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GEORGE CLINTON.

First Governor of New-York.

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LIVES
OF
THE GOVERNORS
OF THE
STATE OF NEW YORK.

BY JOHN S. JENKINS,
AUTHOR OF THE "HISTORY OF THE WAR WITH MEXICO," "POLITICAL
HISTORY OF NEW YORK," ETC. ETC.

"Sum cuique tribuere."

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THOMAS B. SMITH, STEREOTYPED,
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TO THE
REV. SIMEON NORTH, LL.D.,
PRESIDENT OF HAMILTON COLLEGE,

This Volume is respectfully Inscribed,

IN TOKEN OF
THE SINCERE REGARD AND ESTEEM OF

THE AUTHOR.



INTRODUCTION.

Who is there that can look at New York as she is, and not be proud of her name and her character?—who, among her inhabitants, whether descended from her sturdy Knickerbockers, or sprung from a Saxon stock,—whether he first drew breath amid her lovely hills and valleys, or was lulled in infancy by the soft breezes of another clime,—but has occasion to rejoice, daily and hourly, that his lot is cast in her ‘pleasant places?’

What a development of national strength and greatness is hers! With one arm she clasps the heaving bosom of the Atlantic, while the other is sporting among the tiny wavelets that break upon the shores of her inland seas. One brief century ago, and the abodes of her people scarcely interrupted the continuous line of forest that extended from Manhattan Island to the brink of the Great Cataract. Now, her verdant plains and the grassy slopes of her mountains, are fairly gemmed with towns and cities,—the habitations of wealth and refinement, of peace and content. Once her population was counted by scores,—it is now numbered in millions. Her rivers and canals, all her great thoroughfares, teem with the rich products of the mighty, the illimitable

West ; while back through her territories, rolls the returning tide, laden with the treasures of other lands.

She is great, too, in her scholars and her jurists, her poets and her philosophers, her divines and her statesmen—in her honest and stout-hearted yeomanry, her merchant princes and her artisans. She is great in her memories of the Past—in her hopes of the Future. Every acre of her soil is holy ground. The legends of her border warfare are graven upon the hills and the rocks that witnessed the daring of her pioneers, and printed deep in the hearts of those whose ancestors fell beneath the tomahawk of the savage. The trophies of the Revolution may be found in the valley of the Hudson and on the heights of Saratoga, and its traditions are handed down from father to son with religious care, and annually recounted at ten thousand different firesides.

She is rich in the arts and sciences ; in the sterling qualities of her citizens, in their industry and frugality, their enterprise and perseverance, their love of order and their respect for the law, and in their attachment to liberty and the union of these States. What member of the Confederacy has made greater sacrifices than she, to secure that end ? Her princely revenues were yielded to the Nation,—at a moment, too, when her statesmen, with prophetic vision, saw and foretold the greatness that would come upon her ; and yet she still possesses, in bounteous profusion, all the elements of wealth and prosperity. Why should we not be proud of New York ?—

“ Land of the forest and the rock,
Of dark blue lake and mighty river—
Of mountains reared aloft to mock
The storm's career and lightning's shock—
My own green land forever ! ”

New York numbers among her sons, by birth or adoption, many great and distinguished men. She has her jewels toward whom she cherishes the same feelings of pride that found a resting-place in the noble heart of the mother of the Gracchi. Some of these have received a full share of the honors in her power to bestow, and their memories are now held in grateful remembrance. Others enjoyed no such distinction, however much it might have been merited, and they are almost forgotten, except by the few who knew and appreciated their worth. The memoirs of all would undoubtedly be replete with interest, but for obvious reasons I have selected those only who, as the rulers of the state, form a group by themselves.

It has been to me a pleasure and a gratification, to trace the checkered careers of the eminent citizens, biographical notices of whom are contained in this volume,—to mark their aspirations and their struggles, their triumphs and their disappointments; and I can only hope that others will be equally interested with myself. The materials for a part of the memoirs, already before the public, or easy of access, were ample; but in regard to others I found greater difficulty. Through the kindness of the personal or family friends of the subjects of the sketches, I have been enabled, however, to procure all the information I desired, with some few and comparatively unimportant exceptions. To all who have in any way assisted me, I owe the expression of my sincere and hearty thanks.

Occasionally I have been at a loss to reconcile conflicting accounts, and at every step in the preparation of the work I have been struck with the truthfulness of the remark of a friend, that “the private history of

our public men is for the most part a succession of fables." It will be perceived that I have frequently disagreed with the Political History of Judge Hammond. A critical examination of that work has convinced me that it contains many errors, as to dates and facts, which have escaped the corrections of the author; and I have not thought it advisable to rely upon his statements unless supported by other evidence. It is proper that I should add, inasmuch as I cannot speak from my own personal knowledge until within a very recent period, that where I have differed from him, except in regard to mere matters of opinion, my assertions are based upon information derived from sources of unquestionable authenticity, and from individuals personally and particularly cognizant of the facts to which they relate.

In justice to those who have aided me in procuring materials, as well as to myself, I should likewise state, that for the opinions, inferences, and conclusions, having reference to political questions, movements, and for the estimates of character, the writer is alone responsible.

While preparing the memoirs, I have endeavored to keep in view the remark of Sir James Mackintosh, that "the biographer never ought to introduce public events except as far as they are absolutely necessary to the illustration of character." Too much copiousness of detail is, in like manner, reprehensible; and I have attempted to avoid these common errors. Biography is like history, which, we are told, by an able and experienced writer,* cannot be perfectly and absolutely true; "for," says he, "to be perfectly and absolutely

* Macaulay.

true, it ought to record *all* the slightest particulars of the slightest transactions—all the things done, and all the words uttered, during the time of which it treats. The omission of any circumstance, however insignificant, would be a defect. If history were written thus, the Bodleian library would not contain the occurrences of a week. What is told in the fullest and most accurate annals bears an infinitely small proportion to what is suppressed. The difference between the copious work of Clarendon, and the account of the civil wars in the abridgment of Goldsmith, vanishes, when compared with the immense mass of facts, respecting which both are equally silent."

The engravings accompanying this work are taken from designs executed by competent artists from original paintings, and they are believed to be faithful representations of the Governors of New York.

As these volumes do not embrace memoirs of the governors anterior to the adoption of a state constitution, a brief review of the colonial history of New York may be of interest to the reader :—

The first permanent establishments made by any of the European powers, within the limits of this state, were two small trading forts erected by the Dutch on Hudson river, and a few houses built on Manhattan Island, in the year 1613. The States General of Holland claimed the whole interior country back of the coast line extending from the Connecticut to the Delaware river, by virtue of the discoveries of Henry Hudson and other navigators who were in their employ, and bestowed upon it the name of "Nieu Nederlandt," or New Netherlands. The Dutch rapidly extended their settlements along the shores of the Hudson, and

in 1624 it was thought by the States General that the colony was of sufficient importance to require a formal government.

Peter Minuit, or Minnewit, was sent out in that year as the first director, or governor, of New Netherlands. The executive authority was vested in him and a council consisting of five members. Besides these officers, there was also a "schout fiscal," who was both the sheriff and the attorney general. Large tracts of land were granted by the States General to chartered companies, by whom they were subdivided into manors and granted to patroons. Smaller parcels were likewise assigned to private individuals who did not aspire to the state and dignity of a patroon.

Director Minuit returned to Holland in 1632, and in the following year, his successor, Wouter Van Twiller, arrived out. The latter was too fond of schiedam to make a very useful officer, and as he was almost constantly intoxicated, the Dutch West India Company, who now controlled the province, removed him from office, as soon as they were advised of his conduct, and in 1637, William Kieft was appointed director in his place. Kieft was likewise addicted to intemperate habits, though he proved to be a much more faithful and energetic officer. He was cruel and vindictive, however, and provoked the Indians, hitherto on peaceful terms with the colonists, to commit acts of hostility. Signal and just punishment was inflicted, as he thought, for the outrages they had committed. But the savages retaliated; and one act of injustice after another finally exasperated them to such an extent, that the colony was in a constant state of alarm and excitement.

The effects of the mal-administration of Director

Kieft were soon witnessed in the decrease of the colony at New Amsterdam,—as the settlement on the site of the present city of New York and the adjacent territory was called,—in the number of its population and in wealth. Accordingly, he was recalled in 1645, and was succeeded by General Peter Stuyvesant, formerly director of the island of Curaçoa, who entered upon the duties of his office in 1647.

Governor Stuyvesant was too strict and rigid an officer to be popular, and at one time he was recalled by the States General, in compliance with the request of the inhabitants of the colony. Meanwhile the Puritans of the New England colonies had gradually encroached upon the settlements of the Dutch, and the English authorities began to lay claim to the whole territory. As a collision was apprehended, and as Governor Stuyvesant was known to be an able officer, his recall was countermanded. It was in vain that he attempted to resist the encroachments of the English. They proved an overmatch for him, and after a protracted, but ineffectual struggle to maintain the authority of his government, he was forced, in 1664, to surrender the territory of New Netherlands to a large armed force commanded by Colonel Richard Nicolls, who had been sent out by the Duke of York, to whom the province had been granted by his brother, Charles II.

Colonel Nicolls was appointed the first governor of the colony, which was now called New York, but in 1667 he was succeeded by Colonel Francis Lovelace. During the administration of the latter, in 1673, the territory was recaptured by the Dutch, but it was restored to the English again in the following year. Sir Edmond Andross now assumed the reins of govern-

ment, but as he was absent for the greater part of the time, the lieutenant-governor, Anthony Brockholst, officiated in his stead.

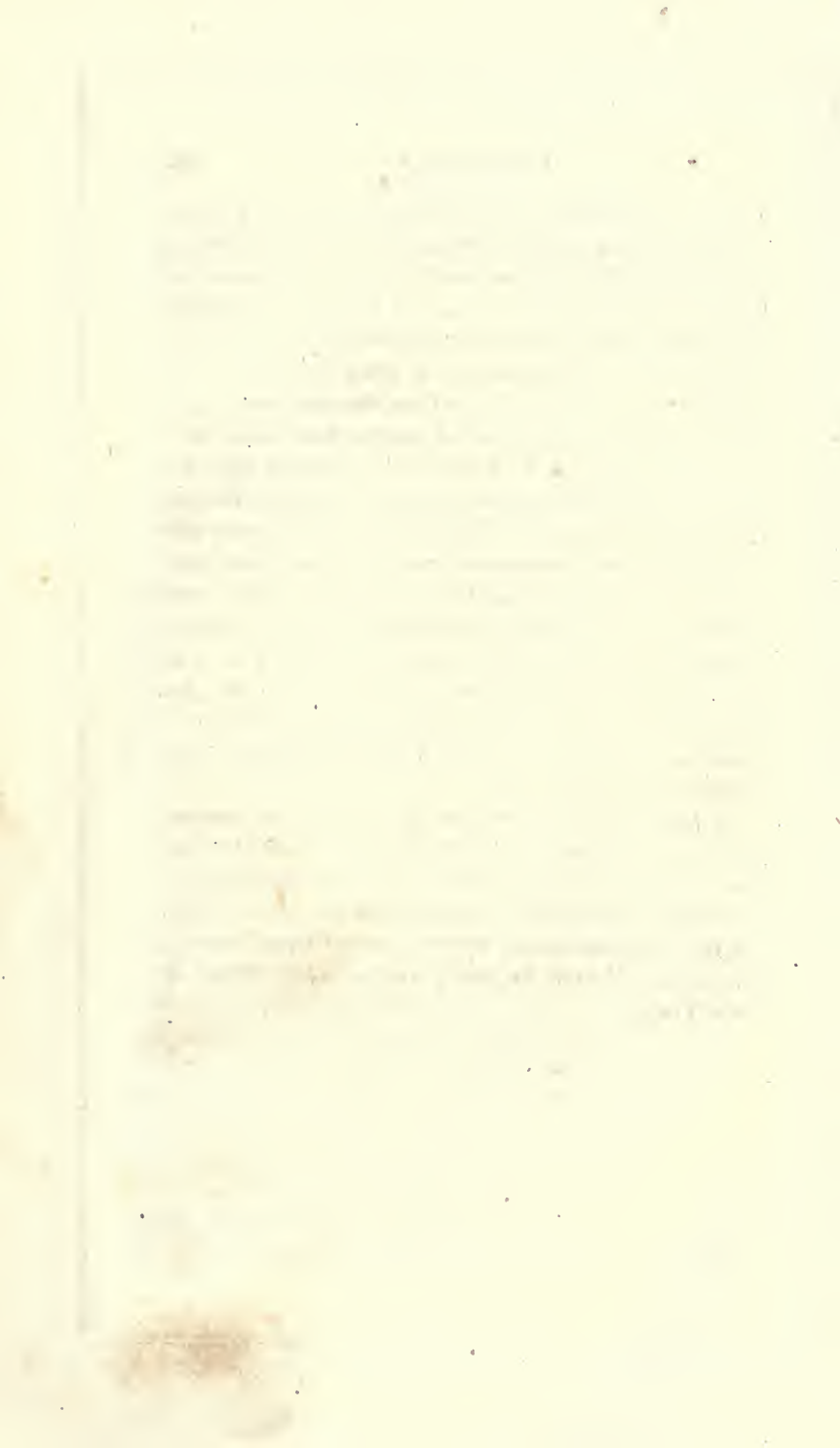
Under the English rule, the province increased in wealth and population with great rapidity. The governors were repeatedly changed, however, and during the time the colony continued to be an appendage of the British crown—a period of about one hundred years—there were over twenty different persons placed at the head of the government, besides a number of interregnums, during which the president of the council for the time being exercised the chief authority. The governors were appointed by the English monarch, and all the important offices in the province were held by the same tenure, or by appointment from the governor. The members of the colonial legislature were chosen by the freeholders, but the powers of the former were limited, and as the governor had a veto on all their acts, they could do but little in opposition to his wishes, unless, as at the commencement of the Revolution, they boldly set his authority at defiance.

For upwards of sixty years the inhabitants of New York, particularly of the northern and western counties, were harassed by an almost constant state of warfare with the French and their Indian allies. The former had established trading posts at different points on the southern shores of the St. Lawrence and of Lake Ontario, and had erected a strong fortification at Niagara. In 1759 this work was captured, mainly by the provincial troops, and in the following year the Canadas were annexed to the British dominions. This cause of disturbance being removed, the colony assumed an air of quiet and tranquillity which it had never before

known. Agriculture and the arts of peace now flourished under the benign influences that were diffusing their blessings throughout the land ; and happiness and prosperity smiled in the remotest hamlet, and lighted up the hearts and the countenances of its inhabitants.

This period of repose was of brief duration. The colonies had barely recovered from the embarrassments occasioned by the protracted border war, when they were again obliged to take up arms, not to fight the battles of Great Britain, but in defence of their dearest rights and privileges. The last royal governor was William Tryon, who appears to have been quite popular among the inhabitants of the province. His conduct was much less exceptionable than that of most of the governors of the other colonies ; and had they all been equally kind and liberal, it is not improbable that the separation from the mother country, although it was sure to take place sooner or later, would have been postponed for many years.

In May, 1775, the powers of the colonial government were suspended, and the supreme executive authority was then committed to the Provincial Congress. No further change took place till the year 1777, when a state constitution was adopted, under which George Clinton was elected the first governor of the State of New York.



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THE GOVERNORS
OF THE
STATE OF NEW YORK.

GEORGE CLINTON.

AMERICAN History numbers few more honored names, among the distinguished men whose merits and virtues she records, than that of GEORGE CLINTON. Not for the possession of extraordinary genius or brilliant powers of oratory,—not for his skill and ability as a soldier,—is he thus preferred above so many worthy compeers ; but for the sterling good sense that characterized him as a man, his firmness and independence as a statesman, and that incorruptible patriotism which was often tried, yet never found wanting. The same relation that Washington sustained to the Union, he bore to New York :—the one was the Father of his country, and the other the *Pater Patriæ* of his native state. Each did his duty well ; and when he lay down to die,

troops of good deeds, like angels, thronged about his couch, and buoyed him safely up when on the threshold of another world.

Friendship, with its sympathetic grasp and warm embrace, may comfort and cheer,—affection, with its soft, sweet tones quivering with the pulsations of the throbbing heart, may soften the pillow of the dying, and relieve many of the pangs and pains of mortal suffering; but, aside from the hope of the Christian, there is no talisman that can so rob the grim warrior who unlocks the portals of the tomb, of his power to harm, as a well-spent life. Warriors and statesmen who turn aside from the weary pilgrimage of the world, to meditate amid the hallowed shades of Mount Vernon, or beside the sculptured tomb of Clinton, may well afford to pattern after the lives, and to profit by the examples, of those to whose memories they pay this brief tribute of veneration and respect.

The Clinton family is of English origin; and their ancestor, William Clinton, from whom they trace their descent in a direct line, was one of the most devoted adherents of Charles I. during the embittered and bloody strife between him and his subjects. After the unfortunate monarch had sacrificed his crown for a punctilio, and lost his life in defence of the kingly prerogative, Clinton, who then held a commission in the royal army, fled to the continent to escape from the fury of Cromwell and his troopers, who were busily hunting down

every cavalier that continued faithful to the fortunes of the house of Stuart. He remained for a long period in exile,—spending his time partly in France, and partly in Spain. He ultimately returned to Scotland, however, where he married a lady by the name of Kennedy. His personal safety being jeopardized, in consequence of his loyalist principles, he crossed over to the north of Ireland, where he subsequently died, leaving behind him an orphan son, by the name of James, who was only two years of age.

When James attained his majority, he went to England, to attempt the recovery of his ancestral patrimony, of which his father had been deprived, and which he had been unable to recover during his lifetime. Charles II. was now firmly seated on the throne of his ancestors, but the claim appears to have been barred by a limitation in an act of parliament. Though disappointed in one suit, young Clinton pressed another with complete success. The family chronicles do not inform us that he had become republicanized in his notions; but, though all danger of the popular fury had long since passed away, he thought proper to cool the loyalist ardor which he might have inherited, by an infusion of Puritanism; and when he returned to Ireland, he was accompanied by his new wife, Elizabeth Smith, the daughter of a captain in the quondam army of the Lord Protector.

After his marriage, James Clinton settled permanently in the county of Longford, where his son Charles

was born, in the year 1690. On arriving at man's estate, the latter married a Miss Elizabeth Denniston; and in the spring of 1729, having become satisfied that the incentives to industry and enterprise were greater in the new world than in the old, and that personal freedom was not subject to so many irksome restrictions, he resolved to emigrate to America with a number of his friends and neighbors, who shared in his feelings and concurred with him in opinion. Towards the month of May, the party of colonists, ninety-four in number, embarked from their emerald home, to exchange its comparative comforts and luxuries for a life in the western wilderness. The family of Clinton consisted of himself and wife, two daughters and one son. Among the immigrants was Alexander Denniston, his brother-in-law.

A sufficient stock of provisions was laid in for an ordinary passage to New York; but it soon became evident that the captain was protracting the voyage unnecessarily, upon one pretence or another, in the expectation, either that he would be liberally paid by the passengers, or that if they were starved to death, he might possess himself of their property without being questioned in regard to the right so to do. Daily he grew more arrogant, and the condition of the immigrants became worse. Disease and death began to appear among them, and Clinton was deprived both of his son and a daughter. The crew and passengers were several times on the point of rising against the

captain, and taking possession of the vessel. The party of immigrants regarded Clinton as their leader and head in any emergency, inasmuch as he had enjoyed greater advantages of education than his friends; but he dissuaded them from engaging in any act of mutiny unless all the subordinate officers of the ship would unite with them. His prudent and pacific counsels were regarded; and, at length, the captain was induced by the offer of a large sum of money, to expedite the speed of his vessel.

After a tedious passage of nearly five months' duration, the ship finally arrived off Cape Cod in October, where the immigrants landed. The season being now so far advanced, they remained here till the following spring (1730), when they removed to Ulster county, in the then colony of New York.* Clinton, and his two friends, Alexander Denniston and John Young, bought three farms adjoining each other, in the virgin wilderness at the foot of the Highlands; and, mindful of the father-land, that still claimed a portion of their affections, and to whose sovereign their faith and allegiance were yet due, they named the small and harmonious settlement which they founded, Little Britain. At that time, it formed a part of Ulster county, but with other territory, was subsequently annexed to the county of Orange.

* Dr. Hosack, in his Memoir of Dewitt Clinton (p. 23), fixes the date of the removal to New York in 1731; but this is obviously an error: (See Journal of Joseph Young, in the Appendix to the Memoir, p. 139.)

In this secluded retreat, surrounded by the hardy yeomanry whose descendants, at a subsequent day, contributed so essentially to the achievement of American independence, Charles Clinton occupied himself in the care of his limited fortune, the cultivation of his farm, the instruction of his children, and the discharge of the various public duties devolved upon him by the partiality of the colonial authorities or his fellow-citizens. Being a good mathematical scholar, he was frequently employed by his neighbors as a surveyor. Shortly after his arrival and settlement in the colony, he was appointed a justice of the peace and a judge of the common pleas of Ulster county. In 1756, he was commissioned by Governor Sir Charles Hardy, as a lieutenant-colonel of militia, and in the summer of 1758, accompanied Colonel Bradstreet, at the head of his regiment, in which two of his sons were officers, in the bold, rapid, and successful movement on Fort Frontenac.* Repeated offers of advancement in a civil or military career, were made to him by the British governors, but the tempting allurements of rank and station were not powerful enough to wean him from the life of quiet and ease which he so much preferred; and considerations of duty to his adopted country alone induced him to accept the official trusts bestowed upon

* Previous to this time he had been stationed with his regiment in the valley of the Mohawk. He constructed the fort at German Flats, which was afterwards repaired and called Fort Herkimer.

him, which were received without solicitation, and surrendered without regret.

Happy in the enjoyment of a respectable competence, and the possession of attached friends and a devoted family, his life glided smoothly on down the current of time. The education of his children was a subject of particular interest to him, and he was ardently desirous to fit them for stations of usefulness. He superintended their instruction himself, and was assisted in his 'labor of love' by the Rev. Daniel Thain, who had been educated at the University of Aberdeen. Having attained a good old age, respected and revered by all who knew him, for his intelligence, his usefulness as a citizen, and his manifold private virtues, he died, at his residence, in peace, on the 19th day of November, 1773, just on the eve of the struggle which severed the political ties between the land of his fathers, and the home of his adoption. By those who knew him personally, he is described as a man of commanding presence, tall in stature, easy and courteous, yet dignified in his manners, and kind and generous in disposition. He foresaw the contest with the mother country, and both by precept and example encouraged his fellow-citizens and his children in their opposition to her usurpations. He was a warm friend, an affectionate husband and father, a true patriot, and a sincere Christian.

"His wife," says Mr. Campbell, in his Sketch of the Clinton family, "was an accomplished and intelligent woman. She appears to have been well acquainted

with the military operations of the times, and to have shared largely in the patriotic ardor of her husband and her sons. She died at the residence of her son James, on the 25th of December, 1779, in the 75th year of her age.”*

They had one daughter, Catharine, born in Ireland, and four sons after their arrival in this country, who reached man's estate. The former died before her father, but was married to Colonel James M'Claghry, afterwards an officer of skill and merit in the revolutionary army. Of the sons, Alexander, the eldest, graduated at Princeton and became a physician; Charles also studied medicine, and, in the capacity of a surgeon, was present at the taking of Havana in 1762, after which he returned to Ulster county where he practised his profession; James, the third son, was a soldier from his youth up, and became justly distinguished for his services as a general officer in the war of the revolution; and George, the youngest, is the subject of this sketch.

George Clinton was born at his father's residence, on the 26th day of July, 1739, and was probably named after Admiral George Clinton, son of the Earl of Lincoln, and who was subsequently colonial governor of New York, from 1743 to 1753.† He was a youth of

* Life and Writings of Dewitt Clinton, p. 14.

† It is said, I know not with how much truth, that the Clinton family were remotely connected with that to which Admiral George and his son Sir Henry belonged.

quick parts, and early discovering great natural shrewdness, with a corresponding decision and force of character, he was destined by his father for the legal profession. He was by no means averse to study, yet it would seem that, even in early life, he was of an active and enterprising spirit, and not disinclined occasionally to lay aside his books and incur the hazards and chances of war. Soon after the commencement of the second contest with the French and their Indian allies, in 1755, he left home clandestinely, and entered on board a privateer which sailed from the port of New York. After encountering a great many hardships and perils, which do not appear to have tamed his spirit or cooled his ardor, he returned in time to accept a subaltern's commission under his brother James, who commanded a company in the regiment of their father. He accompanied the Expedition against Fort Frontenac, and with his brother, at the head of their company, performed an act of gallant daring in the capture of one of the enemy's vessels.

Hostilities having terminated, he entered the office of William Smith, the Chief Justice and historian of the colony, at that time one of the most eminent practitioners in the city of New York. In due time he was admitted to the bar, and commenced the practice of his profession in his native county, where, for several years, he held the office of clerk of the common pleas. His prospects of success were highly flattering, and the emoluments of his professional calling

soon equalled his most sanguine expectations. To straightforward common sense, and an accurate knowledge of human nature, he united those qualities of the heart, that frankness of disposition, and that kindness and suavity of manner, which are pretty sure to attach to the fortunate possessor hosts of warm and devoted friends; and few young men ever acquired a greater share of personal popularity, at so early a period in life.

In the month of October, 1765, the delegates of the colonies assembled at New York to take into consideration the measures rendered necessary by the passage of the Stamp Act. The repeal of the obnoxious law in the following year quieted for the time the excitement which had been produced; but the fires of revolution had been smothered only, and were not subdued. Young Clinton now entered the colonial legislature as a member from the county in which he resided, and was continued in that capacity till his subsequent election to the continental congress. Prominent among his associates was Philip Schuyler, who with him battled manfully against the loyalist majority in the assembly. Schuyler and Clinton were the recognized leaders of the minority—the Pym and the Hampden of that colonial parliament, to whose exertions was chiefly owing the early and decided resistance of the province to the aggressions of Great Britain.

It can detract nothing from the sterling merit, noth-

ing from the unquestionable patriotism of Schuyler, to say that Clinton exercised the most influence in the body of which they were members. As Clarendon remarks of the distinguished leader of the popular party in the Long Parliament, "His power and interest at that time were greater to do good or hurt than any man's in the kingdom; * * * for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or private ends could bias them. * * * * He was, indeed, a very wise man and of great parts, and possessed with the most absolute spirit of popularity, and the most absolute faculties to govern the people, of any man I ever knew."*

As the period approached when it became certain that a redress of grievances could not be attained by the colonies without a resort to arms—the *ultimata ratio* of subjects as well as of kings—Clinton, and his friends and associates, took a more decided stand. It did not require the dying admonition of his father, who, with his latest breath, conjured his sons "to stand by the liberties of America," to arouse his patriotism or quicken his zeal. Personal considerations there were, which, had his heart been less firm and his principles less fixed, might have swerved him from the cause of the right. His friend and legal preceptor, after wavering and hesitating for a long time, finally took part with the crown; official honors that might

* History of the Rebellion.

have dazzled many an aspirant to fame would have been gladly heaped upon him by the colonial authorities, had he but signified his adhesion to the loyalist party; and shortly after the contest commenced, the son of his father's friend, Sir Henry Clinton, was entrusted with a high command in the royal army. It was not too late even then to retract; but where he had cast his lot he preferred to remain, not from necessity but from choice. With Jay and Livingston, Yates and Lansing, Hobart, Duane, Scott, M'Dougal, Morris, Hamilton and Duer, he continued true and steadfast to the last. With them he associated in council, with them he perilled life and fortune; and although differences in regard to questions of public policy ultimately sprang up between them, the friendships formed amid the trying scenes of the Revolution were never obliterated.

On the 22d day of April, 1775, Mr. Clinton was elected one of the delegates to the second continental congress, by the provincial convention or congress which met at New York. He took his seat on the 15th of May following. In the body to which he was now transferred, he advocated all the warlike measures that were adopted, and in the following year was present and voted for the Declaration of Independence. In consequence, however, of the invasion of New York, and the internal strife and dissensions occasioned by the loyalists, he hastened home to assume the command of the militia of Ulster county—he having been

appointed a general of brigade—and to assist in the preparations for defence then being made; from which cause he was absent at the time that instrument was regularly signed.

The national declaration was approved by the New York provincial congress, then in session at White Plains, on the 9th of July, 1776; and on the ensuing day that body formally assumed the title of "The Convention of the Representatives of the State of New York." In accordance with the recommendations of the Continental Congress, measures were soon taken for the formation of a State Constitution. A convention was held for that purpose in April, 1777; and on the 20th instant, a constitution drafted by John Jay, one of the members of a committee previously selected to perform the task, was duly adopted. Under this constitution, in the month of June following, George Clinton was elected, with great unanimity, both as governor and lieutenant-governor. Having accepted the former office, the duties of the latter were performed by Pierre Van Cortlandt. Robert R. Livingston was appointed by the convention, chancellor of the state; John Jay, Chief Justice, and Robert Yates and John Sloss Hobart, Associate Justices, of the Supreme Court; John Morin Scott, Secretary of State; Egbert Benson, Attorney-general; and Comfort Sands, Auditor-general.

In the position of affairs at this crisis, it may truly be said, that Governor Clinton entered on the perform-

ance of the duties of his high office under circumstances of great embarrassment. It is well known that a very large proportion of the population of the state were either open and avowed loyalists; or at heart unfriendly or indisposed to the cause of independence. "Of all the colonies," says the son and biographer of Mr. Jay, "New York was probably the least unanimous in the assertion and defence of the principles of the revolution. In almost every county there were many who openly sided with the mother country, and still more who secretly wished her success, and impatiently waited for the moment when they might, without personal danger, claim the reward of loyalty. The spirit of disaffection was most extensive on Long Island, and had probably tainted a large majority of its inhabitants. In Queens county, in particular, the people had, by a formal vote, refused to send representatives to the colonial Congress or Convention, and had declared themselves neutral in the present crisis."*

Availing themselves of the prevailing spirit of disaffection, the British officers who conducted the military operations against the revolted colonies, turned their whole power, during the campaigns of '76 and '77, against the state of New York. It was designed to establish a chain of communication, or line of posts and fortifications, from Sandy Hook to the St. Lawrence; and this cut off New England, the hot-bed of sedition and rebellion, from the support of the southern

* Life of John Jay, vol. i. p. 41.

provinces. Indeed, throughout the whole period of the revolution, this was a prominent object of the royal commanders; or, at least, it was never abandoned until the treason of Arnold had failed to secure the key of the Hudson. Meanwhile, then, New York, with the assistance generously contributed by her sister colonies, but no more than her due, was not only defending her borders from the murderous forays of Indians and Tories, but fighting the battles of New England. Her whole seaboard was in possession of the enemy, and her western and northern frontiers girt by a cordon of merciless and infuriated savages,

‘More fell than tigers on the Libyan plain.’

All the settlements in the interior of New York, comprised within a line extending westwardly from the Sacondaga to the rich alluvial flats at the confluence of West Canada creek and the Mohawk,—thence south along the valley of the Unadilla and eastwardly to the Kaatskill mountains,—were constantly agitated by scenes of bloodshed, devastation, and murder. Of the whole white population, full one third, consisting mainly of the Scotch and English settlers, were zealous and active loyalists; another third were either butchered, or driven from the country by the savages; and among the remainder, when the horrors of that protracted war were ended, there were more than three hundred widows and two thousand orphans. Tryon county might well be called the

Acahdama of the revolution; for though greater battles, in which superior numbers were engaged, may have been fought on other fields, "in no other section of the confederacy were so many campaigns performed, so many battles fought, so many dwellings burnt, or so many murders committed." *

There was scarce a whig family in this whole district but mourned the loss of its nearest and dearest relatives. Not a few were deprived of every male member; and some, from the gray-haired sire to the infant smiling on its mother's breast, were totally annihilated. The matron saw her son go forth at early dawn, in the pride of his manly strength,—but he never returned. The husband and father fell dead upon his threshold, mingling his life-blood with that of the feeble and tender ones who had looked to him in vain for protection. Truly, those were times of fearful peril and anxiety, and none felt it more keenly than that feeble band, who formed a living breastwork against the avalanche of dark warriors rolling down from the north; when woman, weak and timid though she was, sometimes forgot the kindlier graces and gentler attributes of her nature,—in one moment listening with swelling bosom and trembling lips to the soft tale of love, and in the next, steeling her heart with a high courage, in defence of those for whom she was ready to peril everything but honor.

In view of these undisputed facts staring the histor-

* Stone's Life of Brant, vol. ii. p. 236.

ical reader in the face, how ungenerous is the sneer, how unworthy the charge of a New England writer,* that New York was slack and remiss in her duty,—that she did not furnish her quota of troops, when nearly one half of the whig population were waging an unceasing warfare in defence of their firesides, of their wives and their children! What though the disproportion between the whigs and loyalists had been still greater,—should this detract, in aught, from the determined stand, and the praiseworthy conduct, of those who made common cause with their brethren in the other colonies, though suffering far less from the evils of which the latter complained? What if nine tenths of the inhabitants had welcomed Tryon and Howe with open arms—all honor, still, to Clinton and Jay, and their noble compeers, who could not be seduced from the high purpose they had sworn to accomplish, by the allurements of royal favor, and who never “despaired of the republic,” when the land was shrouded in darkness and gloom.

During the latter part of the year 1776, General George Clinton had occupied the passes and forts in the Highlands with a considerable militia force, in order to prevent the British from ascending the river. In the spring of 1777, at the request of the state, the national Congress decided to select a commander of the posts in that quarter. This appointment, with the rank of a brigadier general in the continental service,

* Sabine's *American Loyalists*, pp. 17, 18.

was accordingly conferred upon him; and it need scarcely be added, that all its duties were discharged faithfully and with promptitude.

The first republican legislature of New York met at Kingston, on the 1st day of September, 1777. Owing to the distracted state of the country, a quorum of the members did not arrive till the 10th instant; when Governor Clinton delivered, orally, his first official address. It was brief, but pertinent, and, of course, almost entirely occupied with the engrossing subject of the war. At this time, it will be recollected, General Burgoyne had advanced from the north, at the head of a numerous and well-appointed body of troops, almost to within striking distance of Albany, at which point he hoped to effect a junction with the southern army. It, therefore, became highly important to the success of this project, that the British then in possession of the city should secure the posts in the Highlands, and thus obtain the command of the river. The absence of Washington at the south with the great body of the continental army seemed to favor the contemplated movement; and on the arrival of the reinforcements which had been for some time expected, Sir Henry Clinton, the officer in command at New York, made immediate preparations for the ascent of the river.

On the 4th day of October he landed at Tarrytown with over three thousand men,—designing to mask the enterprise he had in view by threatening an attack

upon Peekskill, at which place lay General Putnam with one thousand continental troops. Intelligence of the enemy's movements was immediately communicated to Governor Clinton by express, who forthwith prorogued the legislature, and hastened to the defence of the posts, where his brother General James Clinton had been left in command with but about six hundred militia. These were Forts Clinton and Montgomery, on the west side of the river, opposite the lower Anthony's nose. The two fortifications were separated from each other by a narrow stream, emptying into the Hudson; and, if completed, would have been almost impregnable. But, although they were still in an unfinished state, they commanded the passage of the river, the channel of which was obstructed by *chevaux-de-frise*, a boom and chains.

"In the meantime," says the account of this attack in the American Biographical Dictionary, "the British troops were secretly conveyed across the river, and assaults on our forts were meditated to be made on the 6th, which were accordingly put in execution, by attacking the American advanced party at Doodletown, about two miles and a half from Fort Montgomery. The Americans received the fire of the British, and retreated to Fort Clinton. The enemy then advanced to the west side of the mountain, in order to attack our troops in the rear. Governor Clinton immediately ordered out a detachment of one hundred men towards Doodletown, and another of sixty, with a brass field-

piece, to an eligible spot on another road. They were both soon attacked by the whole force of the enemy, and compelled to fall back. It has been remarked, that the talents, as well as the temper of a commander, are put to as severe a test in conducting a retreat, as in achieving a victory. The truth of this Governor Clinton experienced, when, with great bravery and the most perfect order, he retired till he reached the fort. He lost no time in placing his men in the best manner that circumstances would permit. His post [Fort Montgomery], however, as well as Fort Clinton, in a few minutes were invaded on every side. In the midst of this disheartening and appalling disaster, he was summoned, when the sun was only an hour high, to surrender in five minutes; but his gallant spirit refused to obey the call. In a short time after, the British made a general and most desperate attack on both posts, which was received by the Americans with undismayed courage and resistance. Officers and men, militia and continentals, all behaved alike brave. An incessant fire was kept up till dark, when our troops were overpowered by numbers, who forced the lines and redoubts at both posts. Many of the Americans fought their way out. Others accidentally mixed with the enemy, and thus made their escape effectually; for, besides being favored by the darkness of the night, they knew the various avenues in the mountains."

From two o'clock until dark, this unequal contest

was maintained by the two Clintons—the Governor commanding at Fort Montgomery and James at Fort Clinton—with the mere handful of men under their command. Repeatedly during the assault, the Governor was urged by his brother to make his escape, as it would be highly injurious to the patriot cause to have him taken prisoner. The former refused to leave, however, insisting that they could maintain the posts till nightfall, when he would take his chance with the rest. Both therefore remained until dark, when the enemy saw by the flashing of the American pieces, that the lines were not more than half manned in consequence of the small number of troops in the forts; whereupon, the assault was successfully made. By mingling with the victors, the Clintons made their escape. George managed to cross the river in a boat, and James, though severely wounded, took advantage of a favorable opportunity, amid the confusion, and gave spurs to his horse. Being pursued, he eluded those who were upon his track by slipping the bridle from his horse, and letting himself from shrub to shrub, down a steep precipice one hundred feet high. Proceeding up the gorge at the foot of the precipice, to the mountains, he found a horse in the morning, upon which he reached his house, about sixteen miles distant from the forts, almost exhausted by fatigue and the loss of blood.

Among the prisoners taken by the enemy was Colonel M'Claghry, the brother-in-law of the Clintons,

who was brought before the British general. On seeing him, Sir Henry instantly inquired—"Where is my friend, George?" "Thank God!" replied M'Claghry, "he is safe, and beyond the reach of your friendship!"

No permanent advantage resulted to the British from their success on this occasion. While Sir Henry Clinton was occupying the entrance to the Highlands, Burgoyne and his proud army sustained a severe defeat on the heights of Saratoga, and a few days later the campaign in that quarter terminated, gloriously for the American arms, and fortunately for the cause, in the surrender of himself and his whole command, to the victorious Gates. Disappointed and chagrined at this result, Sir Henry Clinton was obliged to content himself with dismantling the forts he had captured, and removing the obstructions in the river; and on the approach of the winter season, the British again fell back within their lines in the neighborhood of New York.

The successful attempt of Sir Henry Clinton on the American forts at the entrance of the Highlands, demonstrated the importance of providing in a more effectual manner for the defence of the river. Governor Clinton immediately urged the subject upon the attention of Congress, and in the winter of 1778, the site of Fort Putnam, at West Point, was selected by the veteran general, in whose honor it was named, and the ground broken under his direction. By dint of

great personal exertion, and through his extensive popularity among the inhabitants of the adjacent country, Governor Clinton procured most of the materials used in the construction of the work.

During the continuance of the war, the governor, and the legislature of the state, when in session, were mainly occupied in providing for the public defence and security. This was the all-engrossing subject, with which almost every measure of legislature was directly or indirectly connected; and the time of the Executive was fully employed in carrying their enactments into effect, and in the discharge of his duties as commander-in-chief of the militia. The protracted dispute in regard to the north-eastern boundary line of New York, which, for a period of twenty-six years, occasioned a great deal of strife and bitterness of feeling, between the citizens and the inhabitants living on the Hampshire Grants, who, in 1777, had organized themselves into the separate state of Vermont, was not entirely lost sight of by her authorities. As in duty bound, Governor Clinton repeatedly laid the subject before the legislature for their consideration; but the more important topics demanding attention, forbade any definite action upon it until after the close of the war. The controversy was then continued for several years, in the same spirit as before, but conciliatory counsels ultimately prevailed; Vermont paid a certain sum of money to New York, in consideration of the release of the claim maintained by the latter, and was duly

admitted into the union as a sovereign state, in the year 1791.

In 1780, Governor Clinton was re-elected, with the same unanimity that had characterized his original selection as the chief magistrate of the state. His unquestioned patriotism and his strenuous efforts in the cause of American Independence, united in his favor the good wishes of the entire whig population of the state; and no one thought seriously of bringing forward a candidate, in opposition to an officer who had served them so faithfully.

British statesmen were at length forced to admit, what they had hitherto affected to doubt, that the subjugation of the colonies was a hopeless attempt. All their projects had been frustrated—all their plans completely foiled—and a pacification was now as desirable to them, as to those who had rallied around the revolutionary standard amidst storm and darkness, and upheld it triumphantly through perils and hardships from which they anxiously desired to be relieved, but only when the prize for which they aimed had been secured. Peace and quiet were once more restored; and the young state of New York, freed from the incubus of tyrannical oppression which had so long weighed down the energies of the American Colonies, under the lead and direction of her distinguished men,—of her Clintons and Livingstons, her Jays and her Hamiltons,—advanced with rapid strides upon the high and prosperous career that opened before her.

Side by side with Washington, George Clinton entered the city of New York, on its evacuation by the British, at the head of the civil and military procession which threaded its streets on that memorable 25th of November, 1783, with banners floating proudly in triumph, and drums and trumpets echoing back the joyous shouts of those who came to welcome them. Previous to this event, and in the same year, Mr. Clinton had been again selected as the chief magistrate of the state for another period of three years; and by repeated re-elections, he was continued in that high office until 1795.

Prominent among the subjects which Governor Clinton recommended to the consideration of the state legislature, after the termination of hostilities, and the restoration of tranquillity, were those of education and internal improvements. In pursuance of his recommendations, the board of regents of the university was established by an act passed in 1784; in 1789, lands were set apart in the new townships for the promotion of literature and the support of common schools; and in 1795, a law was enacted appropriating the sum of fifty thousand dollars annually, for five years, for the support of common schools.

With the valuable suggestions contained in his addresses to the legislature, from year to year, in regard to fostering the cause of education, then in its infancy and especially in need of encouragement from the state authorities, were connected many cogent argu-

ments in favor of constructing works of internal improvement, with a view of developing the resources of New York—at this early period already affording the glorious promise of that brilliant destiny which is now being fulfilled—and opening the virgin wilderness in the interior, whose soil has since then nourished so many abundant harvests, to the enterprising and industrious settler. In the campaign of 1758, he had accompanied Bradstreet by way of the Mohawk, Wood Creek, Oneida Lake, and the Oswego River, to Lake Ontario. Subsequently, during the suspension of hostilities in the summer of 1783, in company with General Washington, he had visited the battle-fields at Saratoga, and passed up the valley of the Mohawk to Fort Schuyler. These repeated visits to this section of the state had not only made him acquainted with the agricultural capacity of the interior, but had convinced him of the rare facilities afforded for internal water communication.

In his annual speech to the legislature, delivered on the 5th day of January, 1791, he recommended the organization of a society for the promotion of agriculture, arts, and manufactures; which suggestion was approved by the legislature, and an act passed in accordance therewith. With respect to internal improvements he held the following language, which is of particular interest, as being the first executive recommendation in relation to a subject now regarded of paramount importance:—"Our frontier settlements,"

said he, "freed from apprehensions of danger, are rapidly increasing, and must soon yield extensive resources for profitable commerce; this consideration forcibly recommends the policy of continuing to facilitate the means of communication with them, as well to strengthen the bands of society as to prevent the produce of those fertile districts from being diverted to other markets." In accordance with the recommendations of the governor, an act was passed "concerning roads and inland navigation," directing the Commissioners of the Land Office, to cause the lands between the Mohawk and Wood Creek, in Herkimer county, and between the Hudson River and Wood Creek, in Washington county, to be explored, and estimates made of the probable expense of constructing canals between those points.

At the ensuing session of the legislature, in the winter of 1792, the Commissioners made their report, in communicating which the governor remarked, that the practicability of effecting the desired object at a very moderate expense, had been ascertained; and he trusted, that a measure so interesting to the community would continue to command the attention due to its importance, and especially as the resources of the state would prove adequate to those and other useful improvements without the aid of taxes. Acts were now passed providing for the formation of two companies—the Northern and the Western Inland Lock Navigation Companies—to improve the navigation of

the Hudson and Mohawk, and to connect the Oneida and Ontario lakes with the latter, and Lake Champlain with the former. Furthermore, the state agreed to become a subscriber to the capital stock of the two companies, and as an additional encouragement, to present them with a free gift, or bonus, of several thousand pounds, whenever their expenditures had amounted to a certain sum.

In his annual address on the 7th of January, 1794, the governor again referred to the subject, in the following terms :—"The Northern and Western Companies of Inland Lock Navigation, having, agreeably to law, produced authentic accounts of their expenditures, I have given the necessary certificates to entitle them to receive from the treasury the sum of ten thousand pounds, as a free gift on the part of this state towards the prosecution of those interesting objects. Although the care of improving and opening these navigations be committed to private companies, they will require, and no doubt from time to time receive, from the legislature, every fostering aid and patronage commensurate to the great public advantages which must result from the improvement of the means of intercourse."*

Such were the germs—such the feeble beginning—under the auspices of George Clinton, of that mighty system of inland water communication, afterwards

* The Western Company did not complete their works until 1797. In 1820, they were transferred to the state.

carried out and completed by the genius and perseverance of his illustrious nephew, which has contributed so much to the growth and prosperity of New York, and to the substantial welfare and advantage of her enterprising citizens. To the sagacity and foresight of our first governor, we are much indebted, therefore, for the early efforts in the cause of internal improvement, although they were not immediately productive of any very beneficial results. Indeed every measure proposed while he was at the head of the state administration, that appeared calculated to advance the interests or promote the happiness of his fellow-citizens, always received his cordial approbation and support.

During the revolution there may be said to have been but one political party among the whig colonists; and it is usual to refer to the adoption of the federal constitution as the question upon which the first great division of parties took place. Parties did exist, however, in some or all of the states, previous to the agitation of that subject, though the distinction between them was not strictly made nor clearly defined until after the adjournment of the federal convention. When the confiscation act of 1779 was passed by the legislature of New York, it encountered the opposition of a large and respectable minority of the whigs, who notwithstanding, were equally attached with the majority to the great cause in which they had embarked together. On the one side it was said that it

was but just and proper that they should show some degree of lenity to the loyalists, who were probably as sincere in their opinions as those who differed from them; and that, by adopting a generous and magnanimous course, those who had left the country might be induced to return when hostilities had ceased. On the other hand it was contended, that the law of necessity, and the law of revolution, so to speak, gave them the undoubted right to confiscate the property of every adherent of the crown, and those who suffered from the operation of this revolutionary right, must look to the government to which they acknowledged allegiance for redress; and further, that it was not desirable to have enemies to their independence return among them. The opponents of the confiscation act and other similar measures were styled moderate whigs, and the majority were called ultra whigs. The former, as a general rule, became federalists,—and the latter anti-federalists or republicans. Hamilton, Jay, Schuyler, and the Livingstons, were the principal men among the moderate whigs, while their opponents were headed by George Clinton, Robert Yates, and John Lansing, Jun. The Livingstons ultimately changed sides, and attached themselves to the republican party.

Another measure, agitated for several years in succession in one form or another, contributed largely to the first organization of political parties in the state of New York. In the year 1781, an act was passed by the legislature, in accordance with the recommendation

of the Congress of the Confederation, granting to the United States the import duties accruing at the port of New York, to be levied and collected "under such penalties and regulations, and by such officers, as Congress should from time to time make, order, and appoint." This act was not cordially approved by Governor Clinton and his friends, and subsequently they took a decided stand in opposition to the surrender of the revenue; alleging, in support of their position, that the state, as an independent sovereignty, had associated with the other colonies only for the purpose of mutual assistance and protection, and that she ought not to give up this source of wealth to the nation at large. At their instance, therefore, the act was repealed in March, 1783, and a new one passed, granting the duties to the United States, but directing their collection to be made by officers appointed by the state. The act of 1783 was subsequently amended so as to render the collectors amenable to and removable by, the authorities of the United States. By this time parties had been formed in regard to this measure, though personal relations were not yet affected to any great extent by these divisions. It had now become quite evident, however, that Governor Clinton and his friends would not be favorably disposed to the formation of a strong federal government, and its advocates conceived the idea of bringing forward a candidate in opposition to him. Mr. Jay was solicited by General Schuyler to allow the use of his name for that purpose, in the

summer of 1785, but declined to do so. On this account, and as it was pretty well ascertained that Governor Clinton would receive the support, from personal considerations, of a large portion of those who disagreed with him in relation to the confiscation act and the surrender of the revenue, no further effort was made to prevent his re-election, as we shall see, until the year 1789.

In 1786, another law in regard to the revenue was enacted, under which the revenue was granted to Congress, but the state reserved "the sole power of levying and collecting the duties." Congress treated this law as a nullity, and passed a resolution requesting Governor Clinton to convene the legislature for an extra session, in order that the subject might be again submitted to their consideration. With that sturdy determination eminently characteristic of the man, he refused to call the legislature together, but laid the whole subject before that body, in his speech at the commencement of the session in 1787. The course of the governor was approved by a large majority, but the power of collecting the duties was given to the general government by a subsequent legislature.

Governor Clinton was one of the foremost and most decided opponents of the federal constitution, as it was originally formed, and for that reason he has been considered as the father and founder of the republican party in the state of New York. He approved of the withdrawal of Messrs. Yates and Lansing, the two

anti-federal delegates from this state to the Philadelphia Convention, and remained steadfast in his opposition to the instrument framed in that body, until the amendments adopted at the suggestion of New York and other states removed the objectionable features to which he took exception. He was elected from the county of Ulster as a delegate to the State Convention called to consider the propriety of adopting the federal constitution, and was unanimously chosen to preside over its deliberations. This convention assembled at Poughkeepsie on the 17th of June, 1788. A very large majority of the delegates were anti-federalists; and had the question been taken immediately after the organization of the convention, there can be no doubt that the constitution would have been rejected by a decided vote. But while the subject was still under discussion, the intelligence was received that New-Hampshire, the ninth state, had duly ratified the constitution. The question now assumed a new aspect; it was no longer one of principle, but one of expediency; and the New York Convention, instead of being called upon to express their approbation of the constitution, were in fact required to decide whether or no they would secede from the Union. Governor Clinton saw the dilemma in which he was placed, and though for the sake of consistency, he felt bound to persevere in his opposition to the ratification of the constitution, several of his warmest personal friends in the convention, acting doubtless, under his advice,

with a sufficient number of other anti-federal delegates, united with the federalists on taking the final vote. The resolution ratifying the Constitution was passed by a majority of three votes, "in full confidence," as its language purports, "that the amendments proposed by this Convention will be adopted." A circular letter urging the other states to co-operate with New York in procuring the adoption of the amendments proposed by her convention, was prepared and signed by the members. Before retiring from the chair and closing the session, Governor Clinton delivered a short but eloquent address, in which he expressed his firm conviction that a majority of the people of the state were opposed to the federal constitution, but pledged himself to exert his power and influence in the maintenance of peace and good order.

No further efforts were made by the anti-federalists of New-York in opposition to the adoption of the federal constitution; and when the amendments were adopted, they became generally contented with its provisions. Governor Clinton undoubtedly foresaw the future power and greatness of his native state, and it was but natural that he should feel averse to her making so great a sacrifice for the general welfare, as she was called upon to do by the surrender of her important revenues, and, in a degree, of her sovereignty as an independent state, to the confederated Union. When the Constitution went into effect, he appeared among those who welcomed Washington to the chair of state;

and, both by his precept and example, he encouraged others to conform to the requirements of the fundamental law of the land, and always manifested great anxiety lest the powers of the general government should be enlarged by construction.

Party lines were now drawn with considerable stringency. In New York the anti-federalists, or republicans, were much the most numerous; but their opponents, though in the minority, numbered among them a great many of the most active and talented politicians in the state. As the time for the gubernatorial election in 1789 approached, the latter concluded that it would be a hopeless attempt to defeat Governor Clinton by running an avowed federalist against him, and that it would be absolutely necessary to withdraw a portion of the anti-federalists from his support. With this view a somewhat questionable *ruse* in political warfare was practised. Robert Yates, one of the judges of the Supreme Court, and a decided opponent of the federal constitution until its ratification by the State Convention, was selected as the candidate to oppose Governor Clinton by the leading federalists and a few republicans who had become dissatisfied with his administration, mainly from personal considerations. The election was warmly contested; but in those districts where the respective candidates resided, the voters seemed to regard it rather as a question of individual preference, than of political opinion. Hence, the western district gave a large majority for

Mr. Yates, while the county of Ulster bestowed five sixths of her suffrages for her favorite, Mr. Clinton. None but freeholders voted at that time for governor, and there were only about twelve thousand votes taken in the whole state. Of these Governor Clinton received a majority of four hundred and twenty-nine.

It was a high evidence of the governor's personal popularity, that he was elected, in spite of the powerful influences brought to bear against him, although a majority of the members of the legislature chosen at this election, were federalists. From 1789 to 1792, his administration was opposed, on repeated occasions, by the federalists; and just on the eve of the election in the latter year, a most bitter personal assault was made on him, by his political opponents in the legislature, based upon alleged misconduct as one of the commissioners of the Land Office, in the sale of the wild and uncultivated lands belonging to the state. Subsequent investigations showed most conclusively that these charges were without any foundation in truth, but great use was made of them by the federalists in 1792 to secure the defeat of Mr. Clinton. At this election John Jay was the opposing candidate, and in addition to the unusual share of popularity which he enjoyed, the influence of the federal government was exerted in his favor.

Governor Clinton possessed considerable shrewdness as the manager and head of a political party, and was a pretty accurate judge of human nature. He

had observed much, and had studied men and the motives that animated them, all his life-time. As the head of the appointing power in this state, he wielded the patronage placed in his hands, in a manner calculated not to give offence, but so as to strengthen his own popularity, and to advance his own views in regard to questions of public policy, as far as was consistent and proper. After the organization of the federal government, through the influence, probably, of Mr. Hamilton, all the principal offices in the gift of the former were given to the political opponents of the governor; and from this time forward, he was less chary in the bestowal of official favors on his friends in preference to those who opposed him. Like most politicians—perhaps like all—he considered that the interests of the state and nation required that the views and opinions which he advocated should become more generally prevalent; and his own personal success, therefore, seemed, in his estimation, to be interwoven with, and to be necessary to, the triumph of his principles.

The canvass for governor, at the April election in 1792, was highly animated. Nearly seventeen thousand votes were cast, a majority of which were given for Mr. Jay. The canvassing committee consisted of twelve members of the legislature, six of whom were chosen by each house. When they assembled, objections were made to allowing the ballots taken in the counties of Otsego, Clinton, and Tioga, on account of

alleged informalities. The subject was referred to the two senators in Congress, Rufus King and Aaron Burr, who disagreed in opinion; whereupon, a majority of the canvassers decided to reject the votes, and the certificate was given to Mr. Clinton, who was declared elected by a majority of one hundred and eight.

Party feeling at this juncture ran high, and in the course of the contest, much bitterness of feeling had been produced on both sides. The decision of the canvassers was denounced in unmeasured terms by the federalists, but was as warmly approved by the republicans. Under the circumstances, Governor Clinton could do no less than take the oath of office, but it is to be regretted that he did not use his influence with the canvassers to prevent the unjust decision at which they arrived; for official power acquired in such a manner is certainly not to be desired. It is probable, as it was but natural, that a keen sense of the injustice done him by the unfounded charges made in respect to the sale of the public lands, which were not without their effect on the minds of the electors, so warped his better judgment that he decided to remain a passive spectator while the wrong was being committed. It is some satisfaction, also, to add, that it afterwards appeared that a number of illegal votes had been cast for Mr. Jay in the county of Otsego, and that persons holding high official stations there had exerted their authority, and made use of threats and intimidations, to induce individuals to vote for him who would other-

wise have supported Mr. Clinton. Of course, it need not be added that Mr. Jay was utterly ignorant of these extreme measures adopted by his over-zealous friends.

No legal measures were taken to deprive Governor Clinton of the office with which he had been invested, and he continued in the discharge of its duties till the spring of 1795. No event of especial importance signalized this period of his administration, except that shortly before it expired, a controversy arose between him and the council of appointment, a majority of whom were federalists, in regard to the concurrent of nomination. The governor claimed that he possessed the exclusive right, and he was undoubtedly correct in his view of the constitution; Governor Jay afterwards made the same claim, under similar circumstances; but the convention of 1801 decided against them. Governor Clinton formally protested against the decision of the majority of the council, but took no further steps to embarrass their action.

At the presidential election in 1792, no opposition was made to the re-election of General Washington, but the republican electors inserted the name of George Clinton on their ballots, intending thereby to designate him as their candidate for vice-president. He received fifty votes, and John Adams seventy-seven. On the 22d of January, 1795, Governor Clinton published an eloquent and impressive address to the freeholders of the state, in which he declined being a candidate for

governor at the ensuing election. He stated that he had held elective offices for nearly thirty successive years, and that the condition of his private affairs imperatively required his attention, as the impaired state of his health also demanded his retirement from public life.

For five years Governor Clinton was entirely relieved from public cares and anxieties, though by no means an indifferent observer of the events that were transpiring around him. During the session of Congress in the winter of 1799-1800, measures were concerted by the republican members to secure the election of their candidates at the approaching presidential election. It was deemed of the highest importance to secure the vote of New York. Accordingly, great efforts were made by the party in this state to elect a majority of the members of the legislature. Through the address of Colonel Burr, a ticket was formed in the city of New York, where Governor Clinton resided, at the head of which the name of the latter was placed. Brockholst Livingston, Horatio Gates, and others of the most distinguished republicans in the city and state, were associated with him, and the ticket was triumphantly sustained at the polls. The name of Governor Clinton was again mentioned in connection with the vice-presidency, but Colonel Burr and his friends managed to have the latter joined with Mr. Jefferson. Mr. Clinton did not, it is probable, consider himself fairly treated in this matter, particu-

larly by the southern members of Congress; but he gave the republican ticket his cordial support, and no one man contributed more than himself to the political revolution which terminated in the complete overthrow of the federal party.

Governor Clinton was again induced to become a candidate for the office of chief magistrate of the state in the spring of 1801, and was elected by nearly four thousand majority over his federal opponent, the late Stephen Van Rensselaer, a high-minded, estimable, and deservedly popular man. When the governor once more entered upon the discharge of the official duties, the performance of which now devolved upon him for the sixth time, he found that the custom of removing political partisans, on account of their opinions, had become engrafted on the politics of the state. It is said that he was opposed to this measure, and resisted it in the council of appointment, but was overruled by his nephew Dewitt Clinton, and Ambrose Spencer, who were members of it during the early part of his administration.

Long before the recurrence of another presidential election, the republican party in the Union had separated, with but few exceptions, from Aaron Burr. George Clinton was therefore selected as their candidate for vice-president, in opposition to Rufus King, the federal candidate. Mr. Jefferson and Mr. Clinton received one hundred and sixty-two of the one hundred and seventy-six electoral votes, which

insured their election. As the presiding officer in the Senate of the Union, Mr. Clinton was distinguished for his impartiality and promptitude, and for the urbanity and kindness that he at all times manifested, as well towards his political opponents, as to those whom he ranked among his most attached friends. Upon the retirement of Mr. Jefferson, he was warmly urged by many of the republican members of Congress from the northern states, as being the most suitable person to succeed him. The complicated condition of our foreign relations, which had been in charge of Mr. Madison as Secretary of State, probably led to his being preferred, and Mr. Clinton was continued in the office of vice-president. At the election in 1808, the republican candidates were chosen by decisive majorities.

While filling the high station to which he had been again elected—under ordinary circumstances having neither power nor patronage to any great extent connected with it—Mr. Clinton was called upon, by his casting vote, to decide the question as to the propriety of renewing the charter of the bank of the United States. At the session of 1810–11, a bill providing for the renewal was introduced into the Senate, and advocated with much earnestness and ability by several republican senators. A motion having been made to strike out the first section of the bill, on taking the vote, on the 20th day of February, 1811, there appeared to be seventeen in favor of the motion, and the

same number opposed to it. Mr. Clinton, as the presiding officer, decided the question in the affirmative, in favor of striking out the first section of the bill, and accompanied the announcement of his vote with the following remarks :

"GENTLEMEN :—As the subject on which I am called upon to decide, has excited great sensibility, I must solicit the indulgence of the senate, while I briefly state the reasons which influence my judgment.

"Permit me to observe, that the question to be decided does not depend simply upon the right of Congress to establish, under any modification, a bank; but upon their power to establish a national bank, as contemplated by this bill. In other words, can they create a body politic and corporate, not constituting a part of the government, nor otherwise responsible to it but by forfeiture of charter, and bestow on its members privileges, immunities, and exemptions, not recognized by the laws of the states, nor enjoyed by the citizens generally?

"It cannot be doubted that Congress may pass all necessary and proper laws for carrying into execution the powers specifically granted to the government, or to any department or officer thereof; but, in doing so, the means must be suited and subordinate to the end. The power to create corporations is not expressly granted; it is a high attribute of sovereignty, and in its nature not accessorial or derivative by implication, but primary and independent.

"I cannot believe that this interpretation of the constitution will, in any degree, defeat the purposes for which it was formed; on the contrary, it does appear to me that the opposite exposition has an inevitable tendency to consolidation, and affords just and serious cause of alarm.

"In the course of a long life, I have found that government is not to be strengthened by an assumption of doubtful powers; but by a wise and energetic execution of those which are incontestable; the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence.

"If, however, after a fair experiment, the powers vested in the government shall be found incompetent to the attainment of the objects for which it was instituted, the constitution happily furnishes the mean for remedying the evil by amendment; and I have no doubt that, in such event, on an appeal to the patriotism and good sense of the community, it will be wisely applied.

"I will not trespass upon the patience of the Senate any longer than to say, from the best examination I have been able to give the subject, I am constrained, by a sense of duty, to decide in the affirmative; that is, that the first section of the bill be stricken out."

The terseness, and the emphatic brevity, of the remarks of the vice-president, in announcing his decision, elicited high encomiums in the ranks of the opposition, as well as among his political friends; and when, in later times, opposition to the bank of the United States became the watchword and shibboleth of the republican, then the democratic party, they were accustomed to refer to his course on this occasion in terms of decided approbation, and in a manner highly favorable to his memory. The casting vote of Mr. Clinton—his determined firmness in refusing to yield to the influences brought to bear at that period on many other public men, who concurred with him in opinion, but from real or supposed motives of expediency chose to act in a different manner—defeated the application for a re-charter at this session.*

* A bill providing for the renewal of the charter of the bank, introduced into the House of Representatives at the same session, was indefinitely postponed, on the 24th of January, 1811, by a vote of 65 to 64; but it was generally understood that the Senate bill would meet with a different fate.

When Congress again assembled, George Clinton once more appeared in his accustomed seat—well stricken in years, venerable in appearance, and universally respected for the official dignities and popular favor which he had so long enjoyed. Before that session terminated, his almost life-long service in a public capacity was forever ended. Surrounded by

“All that should accompany old age,
As honor, love, obedience,”—

by troops of friends, by kindred and children to whom he was endeared by ties and recollections of no common interest,—he died, as he had lived, at peace with his fellow-men—at peace with his God.

His death took place at Washington, on the 20th of April, 1812, and his remains were permanently deposited in the Congressional Cemetery. The monument erected to his memory by his children contains an appropriate inscription written by his nephew, which truly says that, “while he lived, his virtue, wisdom, and valor were the pride, the ornament and security of his country, and when he died, he left an illustrious example of a well-spent life, worthy of all imitation.”

Mr. Clinton married Cornelia Tappan, of Kingston, New York, by whom he had one son and five daughters. But two of his children, both of whom were daughters, lived to an advanced age. One of his daughters became the wife of M. Genet, the French

minister, in 1793, who remained in this country after his recall, and settled in the state of New York, where he died.

His personal appearance was decidedly prepossessing. He was of moderate stature, but heavily moulded. His appearance was dignified, and his countenance indicated that stern intrepidity of soul, that energy and decision of character, for which he was remarkable. He was frank and amiable in private life, and kind and affectionate in disposition—a staunch friend, but a good hater. Few men ever occupied a larger space in the public estimation, and no one name is more conspicuous than his in the early annals of New York. His patriotism was never questioned, and from first to last, during the stormy period of the revolution, and when the halcyon days of peace had returned, Washington esteemed and trusted him. At a memorable period he saved the army of the latter from dissolution, by the exercise of his authority—if not rightful, at least necessary—in the impressment of a large quantity of flour. He was naturally bold and courageous. “He had an aversion,” said Gouverneur Morris,* “to councils, because (to use his own words) the duty of looking out for danger makes men cowards.”

His talents were far above mediocrity; for had this been otherwise, he could not have raised himself as he did, without the adventitious aids of fortune and family connections, to the chief magistracy of the

* Eulogy on the death of Clinton, May, 1812.

state and to the second office in the nation. Sprung from the people, his heart beat in unison with that of the masses. He felt for them,—he sympathized with them. In return they gave him their love and confidence, not stintingly or grudgingly, but with a spontaneous gushing forth of their enthusiastic regard and affection. He was, therefore, well calculated to be the leader of a successful party,—yet he was no demagogue. The preservation of law and order was ever of the first importance, in his estimation.

Shortly after the close of the revolutionary war, and the evacuation of the city of New York by the enemy, a British officer was seized by the whig populace, and placed in a cart to be tarred and feathered. Just as the signal for the assault was about to be given, Governor Clinton rushed in among the crowd with a drawn sword, and rescued the victim at the risk of his life. A few years later, a dreadful riot broke out in New York, called the "Doctors' Mob." The local magistracy were completely overawed by the furious assemblage collected in the streets, whose passions had been excited to the highest pitch because of the violation of the cemeteries to obtain subjects for dissection; and they declared their intention to kill all the physicians in the city, and raze their houses to the ground. For two days the governor mingled with the mob as a private citizen, and besought them not to commit any infraction of the peace; at the same time assuring them that if wrong had been done, the civil

authorities would take care that the offenders should be punished. His counsels not being heeded, he forthwith called out the militia, and soon put an end to the disturbance. The same regard for the supremacy of the law was manifested by him on another memorable occasion. After the discomfiture of the misguided men, who, under their leader Shays, attempted an insurrection in Massachusetts, in the year 1786, numbers of them escaped, and collected in large bodies at Lebanon in the state of New York, with the intention of renewing their efforts. Such a contingency had not been foreseen by the legislature, and in consequence, Governor Clinton was not invested with the power requisite in this emergency; but he immediately repaired to the spot, ordered out the militia of the state on his own responsibility, and dispersed the insurgents.

Governor Clinton was naturally gifted with a strong mind, which had been well cultivated. His perceptions were clear; he was rapid in decision and prompt in execution. As a speaker and writer, he was rather forcible than eloquent. His sentences were somewhat epigrammatic—concise, but always appropriate and expressive.

He may have committed errors during the long period in which he remained in public life,—for it has been truly said, that it would be “a novelty in the political world, to find rulers without private interests and views of personal emoluments and ambition.”—

but they were few in number. Not one of the public men of New York, during the revolutionary era, is better entitled to the respectful and grateful remembrance of her citizens ; and the example afforded in his life and character, is well-deserving of imitation.

JOHN JAY.

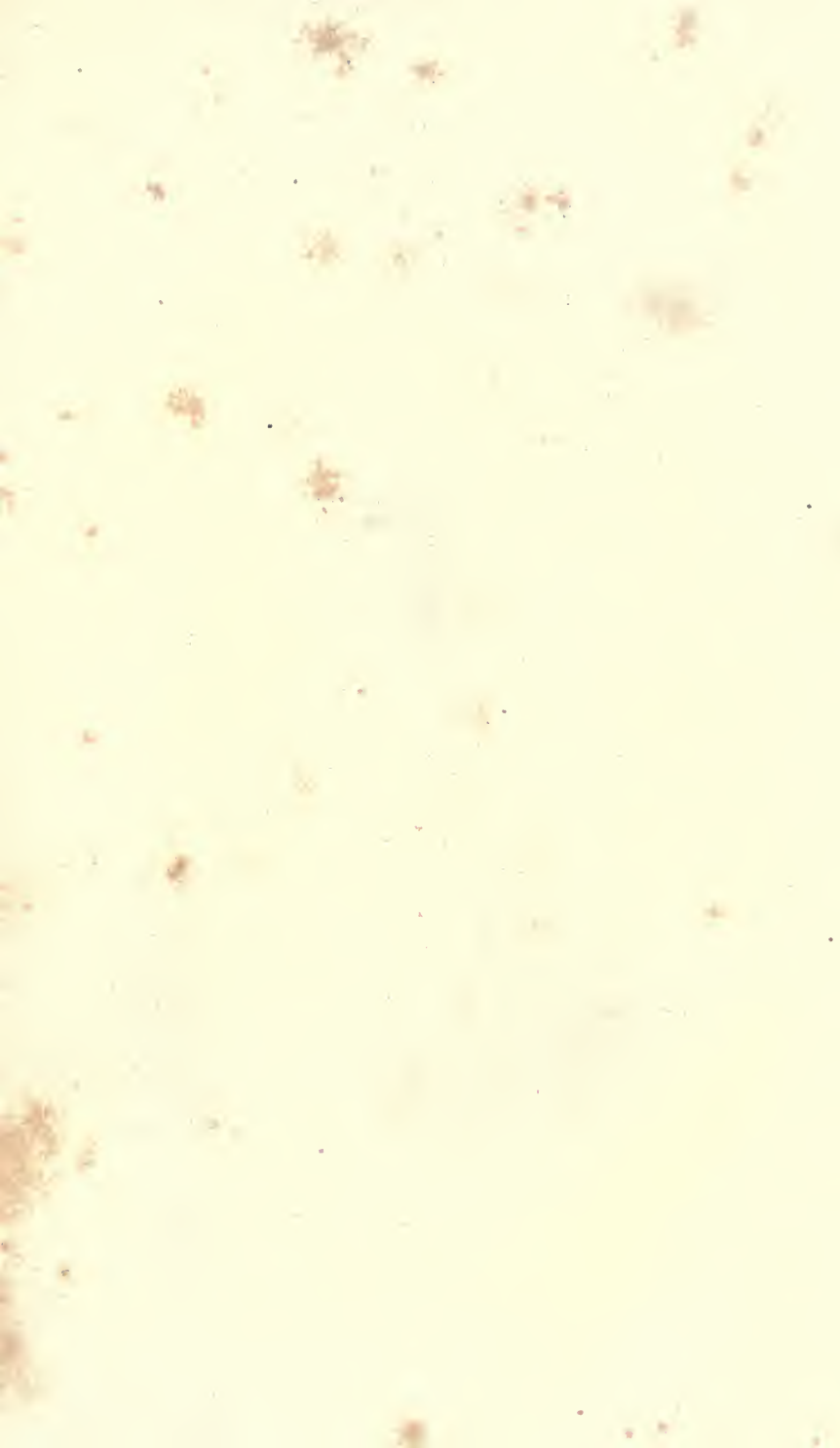
FOR more than thirty years, the reign of Louis XIV. was unparalleled for splendor in the history of France. This was especially true of that period which elapsed between the conclusion of the peace of the Pyrenees, and his marriage with Françoise d'Aubigné. In arts and in arms the nation stood pre-eminent, and her warriors and statesmen, her poets and philosophers, were known and honored throughout the whole civilized world. But when the artful and politic Mazarin, and the great Colbert, were no more,—when Turenne had found a bloody grave at Saltzbach, and Condé had secluded himself at Chantilly,—when the faded charms of Maintenon had wound themselves around the monarch's heart, and Louvois and his associates yielded a willing ear to her bigoted counsels,—the star of his fortunes began to decline, and the power of France trembled beneath the attacks of the bold Heinsius, as her glory paled when army after army went down before the victorious banners of Marlborough and Eugène.



JOHN JAY.

Second Governor of New York.

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First among the prominent events of this era of errors and misfortunes, was the revocation of the Edict of Nantes. When this decree was first promulgated by Henry of Navarre, it not only put an end to the fierce wars and persecutions that had so long deluged the fairest portions of France with the blood of her people, but opened the way to a glorious career of national prosperity and greatness, unwisely and most unjustly terminated by his degenerate grandson. The toleration shown to the *Religionaires*, or Huguenots, during the two previous reigns, was not acceptable to the counsellors and confessors of Louis, and when the indifference of the voluptuary had been succeeded by the ardor of the devotee, it required but little effort to mould him to their purposes.

"My grandfather," said the king, in his new-born zeal and anxiety for the triumph of Romanism, "loved the Huguenots without fearing them; my father feared, without loving them; and I neither fear nor love them." So, it was proclaimed that Calvinism must be exterminated, root and branch. The ports of France were closed against emigration; the frontiers were guarded; and bodies of dragoons were sent into the southern provinces, to demolish the Protestant churches, and compel those who worshipped in them to abjure their faith. Thousands upon thousands of the most valuable citizens in the realm—the most enterprising merchants, the most industrious peasantry, and the most skilful artisans—managed to elude the vigilance

of their persecutors, and escaped to Switzerland and Germany, to Holland, England, and America. Some few, equally determined never to renounce the creed of their ancestors, lingered behind, until the finishing stroke in this series of outrages was given, by the revocation of the edict on the 22d day of October, 1685, when they, too, fled for safety. Among these victims of oppression was Pierre Jay, a resident of Rochelle, in the department of Charente-Inférieure, whose ancestors had originally come from Poitou. This individual was the ancestor of John Jay.

“Pierre Jay,”—said the subject of this memoir, in a narrative of the early history of his father’s family, which he left unfinished at the time of his death,—“was an active and opulent merchant, extensively and profitably engaged in commerce. He married Judith, a daughter of M. François, a merchant in Rochelle. One of her sisters married M. Mouchard, whose son was a director of the French East India Company. Pierre Jay had three sons and one daughter. The sons were Francis, who was the eldest; Augustus, who was born 23d March, 1665; and Isaac. The daughter’s name was Frances. Mr. Jay seemed to have been solicitous to have one of his sons educated in England. He first sent his eldest son, but he unfortunately died on the passage. Notwithstanding this distressing event, he immediately sent over his son Augustus, who was then only twelve years old. In the year 1683, Mr. Jay recalled Augustus, and sent

him to Africa, but to what part or for what purpose is now unknown.

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“Pursuant to an order passed in January, 1685, the Protestant Church at Rochelle was demolished. The ensuing summer a number of troops were marched into the city, and quartered on the Protestant inhabitants, and these troops were soon followed by four companies of dragoons. The attempts made to convert or intimidate Mr. Jay proving fruitless, some of these dragoons were sent to his house to live and act at their discretion. I have not understood that they offered any personal insults to Mr. Jay or his family, but in other respects they behaved as it was intended they should. Such a situation was intolerable, and Mr. Jay lost no time in relieving his family from it. He found means to withdraw them, together with some articles of value, secretly from the house, and succeeded in putting them on board a vessel which he had engaged for the purpose. They fortunately set sail without being discovered, and were safely landed at Plymouth, in England. He thought it advisable to remain behind, doubtless with the design to save what he could from the wrecks of his fortune.

“It was not long before the absence of his family excited attention, and produced investigations. After some time he was arrested and committed to prison. Being closely connected with some influential Catholics, he was by their interposition and good offices

soon set at liberty. At that time some vessels in which he was concerned were expected, and particularly one from Spain, of which he was the sole owner. He determined to effect his escape, if possible, in the first of these vessels that should arrive; and for that purpose instructed a pilot, on whose good-will and attachment he relied, to watch these vessels, and to put the first of them that came in, immediately at anchor, at a place agreed upon between them.

“Of the vessels that were expected, the one from Spain was the first that arrived. The pilot instantly went on board, and carried her to the place agreed on, and gave Mr. Jay notice of it. With the aid of this faithful and friendly pilot, proper precautions were taken to prevent discovery, and the moment Mr. Jay got on board she sailed, and carried him to England. This ship and her cargo (the principal part of which was iron) belonged wholly to himself, and together with the property sent over with his family, and that now brought over by himself, comprised all that he saved. What this all amounted to, I have never been informed: it was such, however, as placed him and his family above dependency, and was so managed as that, during the residue of his life, his situation was comfortable. As soon as Mr. Jay’s departure was known, his estate in France was seized; and no part of it afterward came to the use of either himself or his children.

“Having escaped from the fury of persecution to a

friendly country, nothing remained to excite his anxiety but the fate of his son Augustus, whom he had sent to Africa, and who would probably arrive without having been apprized of the troubles and flight of his family. This accordingly happened. On his arrival at Rochelle, he found himself in a situation not easy to be described. The persecution was proceeding with increasing severity, and every circumstance and prudential consideration pressed him to decide without delay on the measures proper for him to take and pursue. He determined to remain true to his religion, and to meet the risks and dangers to which it exposed him. The kindness of his friends facilitated every necessary arrangement for his departure from the country, and in a very short time he embarked in a vessel bound to Charleston, in South Carolina. Thus, by Divine Providence, every member of the family was rescued from the rage and reach of persecution, and enabled to preserve a portion of property more than adequate to their actual necessities.

“Augustus very properly reflected that his parents had two younger children to provide for, and that it became him to depend on his own exertions. It was his first intention to settle in South Carolina. His education in England, and the knowledge he had acquired of the English language, trade, and manners, had prepared him for living in an English country. The climate of South Carolina, however, made so serious an impression on his health that he went to

Philadelphia, which he found in such an infant state, that he thought it advisable to go to New York. With New York he was much pleased, and found there several refugee families from Rochelle. His first employment was that of supercargo, and he continued in it for several years. His parents found themselves relieved from anxiety about his welfare, and with great satisfaction observed his industry and promising prospects. The time, however, was approaching, when the course of life proper for their younger son was to be determined and provided for. He, it seems, preferred a military life; and his passion for it was exceedingly excited by the forming a regiment of French refugees in England to serve a Protestant King against a Popish competitor. Isaac solicited the consent of his parents with so much earnestness, that it was at length obtained. He joined his regiment as a volunteer, and was with it at the battle of the Boyne, in 1690. He received several wounds; and returning to his father, lingered for some months, and died.

“In the year 1692 certain commercial affairs at Hamburgh induced Augustus to take a passage in a vessel bound from New York to that place. The vessel was captured by a privateer from St. Malo, and carried into that port. He with other prisoners was sent to a fortress about fifteen miles from St. Malo. He was in that fortress when the news of the battle of La Hogue arrived there. Orders were thereupon given that the prisoners should that evening be put

and kept in close custody. By negligence or accident the prisoners became informed of this order. Augustus and another prisoner agreed to attempt making their escape. The day had been wet and boisterous, and in the evening the wind and rain increased. Before the time when they expected to be called, they found means to conceal themselves, so that when the other prisoners were carried to the places in which they were to be closely confined, these two remained without. Favored by the darkness and the storm, they eluded the vigilance of the sentinels, and proceeded to the part of the wall which they had agreed on. There Augustus let himself drop into the ditch, and received no material injury. His companion did not join him: whether he changed his mind or was stunned by the fall is uncertain. Augustus took the road to Rochelle, and so managed as not to arrive there till the next evening, and at a late hour repaired to his aunt Mouchard, by whom he was kindly received and secreted; and afterward, through her address and management, he was privately conveyed to the Isle of Rhè, where a vessel ready to sail for Denmark received him. He arrived safe in Denmark. On his return he went to Holland, and from thence to England to visit his father and sister. Much to the grief and loss of the family his mother had lately died, and he found his father and sister deeply affected by it. This was the first time they had met since they fled from France. The excitements to sensibility were

numerous, and it was natural that on such an occasion the tears of grief should mingle with those of joy. The affairs and engagements of Augustus constrained him to return speedily to America; and it was not long before he was obliged to take leave of his afflicted and affectionate father and sister. With what emotions they bade each other a *last* farewell may easily be conceived. How much has persecution to answer for!

“In 1697 Augustus married, at New York, Ann Maria, a daughter of Mr. Balthazar Bayard. The ancestor of this gentleman was a Protestant professor of theology at Paris, in the reign of Louis XIII., and who had been compelled by the persecuting spirit of popery to quit his country, and go with his wife and children to Holland. Three of his grandsons, of whom Mr. Balthazar Bayard was one, afterward removed from Holland to America. By his marriage Augustus became encircled with friends who, from their situations, were able, and from the attachment to consanguinity (for which our Dutch families were always remarkable), were disposed to promote his interest as a merchant, and his social happiness as a man. He no sooner found himself settled and his prospects fair, than he represented the prosperous state of his affairs to his father and sister, and earnestly pressed them to come over and participate in it. But his father thought himself too far advanced in age to undertake the voyage, and no considerations could have prevailed on his excellent daughter to leave him.

"From what has been said, you will observe with pleasure and with gratitude how kindly and how amply Providence was pleased to provide for the welfare of our ancestor Augustus. Nor was his case a solitary or singular instance. The beneficent care of Heaven appears to have been evidently and remarkably extended to all those persecuted exiles. Strange as it may seem, I never heard of one of them who asked or received alms; nor have I any reason to suspect, much less to believe, that any of them came to this country in a destitute condition. The number of refugees who settled here was considerable. They did not disperse or settle in different parts of the country, but formed three societies or congregations; one in the city of New York, another at the Paltz, and the other at a town which they purchased and called *New Rochelle* [Westchester county, New York]. At New Rochelle they built two churches, and lived in great tranquillity; none of them became rich, but they all lived comfortably.*

"Augustus Jay, after having had three daughters, was on the 3d November, 1704, blessed with a son, whom, in honor of his father, he named Peter. That good old gentleman lived some time after this, but how long exactly, I do not recollect. After his death, his daughter married Mr. Peloquin, a merchant of Bristol."†

* This settlement was made on the manor of Pelham, which Governor Leisler purchased for the Huguenots, in 1689.

† See *Life of John Jay*, by his son, vol. i. p. 8, et seq.

All the daughters of Augustus Jay were married to gentlemen of the colony. His son Peter was sent to England in early youth, and remained for some time in the counting-house of his uncle, Mr. Peloquin; and shortly after his return he married Mary, the daughter of Jacobus Van Cortlandt. Her mother was the daughter of Frederick Phillipse, who emigrated from Holland in 1658, but whose family were originally from Bohemia, whence they had been driven by religious persecution. Peter Jay and his wife, Mary Van Cortlandt, were the parents of John Jay. The senior Mr. Jay died in the city of New York, in 1751, at the advanced age of eighty-six years, having steadily and successfully pursued the mercantile profession up to the time of his decease. His son Peter followed the same occupation—devoting his whole time with great assiduity to his business, and keeping aloof from the political divisions and disputes which at that early period disturbed the tranquillity of the colony—till he had passed his fortieth year. At this time he had acquired a fortune sufficient to satisfy his desires, and to enable him to pass the remainder of his days not in extravagance, but at his ease.

He therefore purchased a farm at Rye, in the county of Westchester, and on the shores of Long Island Sound, to which he retired with his family. He had ten children, two of whom were afflicted with blindness from infancy, in consequence of a severe attack of the small-pox. JOHN JAY was the eighth child, and

was born in the city of New York, on the 12th day of December, 1745, and but a short time previous to his father's removal into the country. He was named after the Honorable John Chambers, one of the puisne judges of the Supreme Court of the province, who had married his mother's sister.

The parents of young Jay were intelligent and estimable people, sincerely pious, devoted to the happiness and welfare of each other and of their children, and loved and honored by them to the close of their lives. The father was a prudent, methodical, observing man; resolute in the accomplishment of every undertaking; and possessing a good fund of practical common sense. The mother was kind and amiable in disposition, winning in her manners, and had received an excellent education. Upon her devolved the duty, after their change of residence, of instructing the younger children until they were of a suitable age to be sent to school, and never was duty more faithfully discharged. Under her supervision John learned the rudiments of the English language, and the Latin grammar; and when he had reached his eighth year, he was sent to a grammar-school at New Rochelle, kept by the pastor of the French church, in whose family he was a boarder. While here, he was subjected to many inconveniences and hardships, owing to the simple and meagre diet to which he was restricted, and the bad condition of his lodgings; but it is probable they operated beneficially on his character, in

producing that self-reliant, contented disposition, for which he was distinguished.

From early youth he was remarked for his grave and studious deportment, and the reflective cast of his mind. The sports and pastimes of boyhood were not entirely without attraction for him, yet he never neglected his duties to participate in them. Though his playfellows and associates looked upon him with something of the feelings with which the companions of Descartes regarded "the little philosopher," he never lost their respect and esteem; and those who shared his intimacy found, underneath the reserve habitual to him, a deep and copious well-spring abounding in all the kindly qualities that lend their charms to social converse. For boisterous amusements he had no relish, but in rational enjoyment always took sincere delight. While at New Rochelle, he became quite a proficient in the French language, from hearing it spoken so much by the Huguenot *émigrés* and their descendants,—the knowledge of which, in after life, was of great service to him.

After remaining three years at the grammar-school, he was taken home by his father, and placed under the instruction of a private tutor, who prepared him for college. In the year 1760, he entered the freshman class of King's, afterwards Columbia College, in the city of New York. This institution was then in charge of the excellent and estimable Dr. Samuel Johnson, its first president, who was succeeded, on his

resignation in 1763, by Dr. Myles Cooper, a gentleman of considerable literary eminence, but whose high tory principles obliged him to leave the country in 1775.

Young Jay was naturally diffident, yet at all times firm in the maintenance of what he believed to be right. Though exposed to repeated temptations, by his residence in the city, none had the power to allure him from his studies; and throughout his whole collegiate course, his application and correct deportment were observed by his teachers and friends with sincere delight.* In every exercise he was well prepared; in every study thorough and accurate. He was not blind to his deficiencies, few as they were, and carefully and diligently corrected them. An impediment in his speech for a long time caused him great annoyance, but with the perseverance and determination of the Athenian orator, he exercised his voice by reading aloud, until he obtained complete control over it. As the time for his leaving college approached, it became necessary for him to make choice of a profession. In this he was unbiased by the influence of his father,

* This statement is not at all inconsistent with the fact, that Mr. Jay was suspended for a short time, during the last year of his collegiate term, for refusing to inform against some of his companions. He always insisted that this was not required of him by the statutes of the institution; and then, as afterwards, he could not be driven from a position which he had taken with deliberation. When he returned to college, after the period of his suspension had expired, he was cordially welcomed by the president and professors.

and after due reflection decided in favor of the law. Having formed this resolution, he commenced reading, in his leisure hours, the great work of Grotius on natural and national law, in company with a classmate who had chosen the same profession.

He graduated on the 15th of May, 1764—on which occasion he delivered the Latin Salutatory, then, as now, considered the highest honor of the institution. Within a fortnight after taking his degree, he entered the office of Benjamin Kissam, an eminent counsellor in the city of New York. For nearly two years the celebrated Lindley Murray was his fellow-student, and though soon separated from each other by the political differences of the country, the intimacy then formed was never entirely lost sight of, but often referred to, on both sides, with emotions of pleasure. Mr. Kissam was as famed for the qualities of his heart as for those of his head. The intercourse between him and young Mr. Jay was of the most free and unreserved character; and the relation of preceptor and pupil seemed to be merged in the more familiar one of friends. After Mr. Jay's admission to the bar, he was frequently brought in contact with Mr. Kissam, by being employed on the opposite side of the same cause. "On one of these occasions," says his son and biographer, "the latter [Mr. Kissam] being embarrassed by some position taken by the other, pleasantly remarked in court, that he had brought up a bird to pick out his

own eyes. 'Oh no,' retorted his opponent, 'not to pick out, but to open your eyes.' ”*

Mr. Jay was admitted to practice in 1768, and immediately entered into partnership with Robert R. Livingston, the cousin of his future wife, then a practising lawyer in the city of New York, and afterwards chancellor of the state. This connection was soon dissolved, by mutual consent, and without the least ill-feeling on either part; on the contrary, they remained through life warm and attached friends.

During his clerkship, Mr. Jay had been a careful and diligent student, and soon after he commenced practice, he acquired a high reputation for his attainments as a jurist, and his honesty, fidelity, and ability as an advocate. His unremitting devotion to his professional business in a short time seriously injured his health, which had previously been quite robust; and, under the advice of his physician, he took lodgings out of town about six miles, and rode into the city every morning on horseback. In addition to attending to the regular business of his office, a great portion of his time, about this period, was employed in discharging the duties of secretary to the commissioners appointed to settle the disputed boundary between New York and New Jersey.

In the year 1774, Mr. Jay was married to Sarah Livingston, the youngest daughter of William Livingston, a delegate to the first continental congress from

* Life of Jay, vol. i. p. 23.

New Jersey, and afterwards governor of that state for many years. This connection was, indeed, one of the happiest events of his life. The union was literally and truly one of hearts, and not merely one of hands. Kind, gentle, tender, and affectionate, she was a fitting helpmate to such a man. The most perfect reciprocity of sentiment and feeling always existed between them, and each seemed to act voluntarily and without thought, in accordance with the well-known proverb—

“He that would thrive
Must ask his wife.”

She participated in his counsels; she shared his vicissitudes; and joy and happiness borrowed half their charms from her presence and participation. In the brilliant *salons* of Madrid and Paris, she was a companion of whom he might well be proud; and in his quiet American home, she was the grace and ornament of the family circle—the faithful friend, and the disinterested adviser.

In the early movements of the opponents of British misrule and taxation, Mr. Jay took a deep interest. His immediate family connections were whigs, though the Phillipses, and some of the Van Cortlandts, sided with the crown. Many of his most intimate friends and associates, also, were tories,—among them Lindley Murray and Peter Van Schaack. From the first, however, he sympathized with the oppressed colonists; and when the time came for action, the hitherto un-

clouded repose of his domestic life and all his bright prospects of professional eminence, were cheerfully sacrificed for the common good. Others may have been louder and bolder in their denunciations, but none approved themselves more staunch or more steadfast. He was ardent and sincere in his devotion to the cause of American Independence; yet his feelings were softened and mellowed

“by that mildness of truth,
Which tempers, but chills not, the patriot fire.”

When the intelligence of the passage of the Boston Port Bill was received in the city of New York, a meeting of the citizens was called, on the 16th of May, 1774, to consult on the measures proper to be pursued, at which a committee of fifty was selected to correspond with the sister colonies. Mr. Jay was chosen a member of this committee, and as one of the sub-committee subsequently appointed, prepared the draft of a letter in answer to one received from the Boston committee, in which the proposition of a “Congress of Deputies from the Colonies in general,” was first suggested. In the following month of July, he was duly chosen one of the delegates to the first Continental Congress, and took his seat in that body, at Philadelphia, on the 5th of September, in the same year.

Though still quite a young man, the talents of Mr. Jay were so widely known, and so highly appreciated,

that he was immediately placed on several of the most important committees. One of these was selected for drafting an address to the people of Great Britain, and a memorial to the people of British America. The duty of preparing the address was assigned to Mr. Jay by his associates on the committee. Distrustful though he was, of his ability to perform the task allotted to him, with satisfaction to the other members, he nevertheless knew how important it was, for his own reputation, that the effort should not be a complete failure. He therefore withdrew himself from interruption, by leaving his regular lodgings, and taking a private room in a tavern. Here, shut out from the world, he composed that manly and eloquent appeal, on behalf of the colonists to their brethren in the "father land," which Mr. Jefferson pronounced to be the production "of the finest pen in America."* The purity of its style, its loftiness of sentiment, and its earnest and impressive eloquence, may be inferred from the following extracts, taken from the opening and the close :—

"When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and children; and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

"In almost every age, in repeated conflicts, in long and bloody wars,

* Jefferson's Works, vol. i. p. 8.

as well civil as foreign, against many and powerful nations, against the open assaults of enemies and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty to you, their posterity.

“Be not surprised, therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with British Sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having *our* lives and property in their power, they may with the greater facility enslave *you*.

“The cause of AMERICA is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British Empire, leads us to address you on this very important subject.

“KNOW THEN, That we consider ourselves, and do insist, that we are and ought to be, as free as our fellow-subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

“That we claim all the benefits secured to the subject by the English Constitution, and particularly that inestimable one of trial by jury.

“That we hold it essential to English liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence.

“That we think the Legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred. And yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

"Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not.

"Why, then, are the proprietors of the soil of America less lords of their property than you are of yours?—or why should they submit it to the disposal of your parliament, or any other parliament or council in the world, not of their election? Can the intervention of the sea that divides us cause disparity in rights?—or can any reason be given why English subjects, who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

"Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert, that they have a right to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess; and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land, and the voice of the people, have placed in their hands.

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"We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independence. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory, and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own.

"But if you are determined that your ministers shall wantonly sport with the rights of mankind: if neither the voice of justice, the dictates

of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you, that we will never submit to be hewers of wood and drawers of water for any ministry or nation in the world.

“Place us in the same situation that we were at the close of the last war, and our former harmony will be restored. But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

“By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which affords us all the necessaries, and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms, and the West Indies.

“It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow-subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole Empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest American.”

On the 18th of October, the draft of an address, prepared by Mr. Jay, was reported from the committee. A few unimportant amendments were made, and on the 21st instant it was duly adopted. Although the

powers of this congress were merely advisory, they recommended, in the strongest terms, the non-importation and non-consumption of British goods, and advised the appointment of town and county committees to carry into effect the regulations having that object in view, which were prepared and approved by them during their session. In the short period of six weeks their labors were ended, and after making provision for the meeting of another congress in May of the following year, they adjourned *sine die*.

Mr. Jay and his colleagues hastened home to their constituents. In accordance with the recommendation of Congress, the New York committee of correspondence called on the citizens to elect a committee of observation. This was immediately done, and the former committee dissolved. Of the new committee Mr. Jay was a member; and subsequently, when it appeared that the powers of this body were too limited, one hundred persons, including himself, were selected to form another committee, called the Committee of Association, who were invested with the most ample powers to provide for the safety of the city, and the enforcement of the measures proposed by Congress for interrupting the commerce of Great Britain with her colonies.

As the provincial legislature no longer reflected the sentiments of the people of the colony, but was more or less controlled by the *employés* and adherents of the crown, the New York committee of observation had

recommended to the counties to select deputies to a provincial congress. This body did not assemble until the 28th of May, 1775, prior to which time, the committee of association called upon the citizens to arm themselves and make every preparation for the approaching struggle. Mr. Jay took an active and influential part in all these proceedings; and his time and talents were constantly in requisition, in conducting correspondence, and preparing reports and addresses.

To the second congress, which assembled at Philadelphia on the 10th of May, he was also elected a delegate. Hostilities had now commenced, and blood had been shed at Lexington and Concord. Hitherto, a redress of grievances was all that the colonists had asked for or desired. It had, indeed, been charged against those who had taken the lead in resisting the obnoxious measures of the British parliament, that they looked forward to a separation from the mother country and the independence of the colonies. But this charge was wholly unfounded. In August, 1774, Dr. Franklin assured Lord Chatham, that he had more than once travelled almost from one end of the continent to the other, and that he "never had heard, in any conversation from any person, drunk or sober, the least expression of a wish for a separation, or a hint that such a thing would be advantageous to America."* Mr. Jay bore similar testimony, from his calm retirement at Bedford:

* Franklin's letter to his son, March 22d, 1775.

"During the course of my life," said he, "and until after the second petition of congress, in 1775, I never did hear any American of any class, or of any description, express a wish for the independence of the colonies. * * * It has always been, and still is my opinion, and belief, that our country was prompted and impelled to independence, by *necessity*, and not by *choice*."*

So, too, affirmed John Adams and Thomas Jefferson. "For my own part," said the former, "there was not a moment during the revolution, when I would not have given everything I possessed for a restoration to the state of things before the contest began, provided we could have had a sufficient security for its continuance;" and Mr. Jefferson declared, that before the commencement of hostilities he "never had heard a whisper of a disposition to separate from Great Britain; and after that, its possibility was contemplated with affliction by all."† Washington and Madison expressed similar sentiments; and such, in truth, seems to have been the real state of feeling existing in the colonies at the time of the assembling of the second congress.‡

But now the question of a separation from Great Britain began to be soberly and seriously discussed. The congress of 1775 directed an army to be raised—not so much to achieve independence, however, as to

* Life of John Jay, vol. ii. pp. 412, 413.

† Ibid. vol. ii. pp. 416, 417.

‡ Sparks' Writings of Washington, vol. ii. pp. 498, 500, 501.

resist the efforts of the royal authorities to enforce the observance of the tyrannous acts of parliament—and enacted rules and regulations for its governance. At this crisis, Mr. Jay, though apprehensive of the worst, still hoped that redress might be obtained.* Conciliation was in his heart and on his tongue; and he spoke and practised in conformity to the sentiments that fell from his lips. Upon his motion, a committee was appointed to draft a second petition to the king. This measure was only carried after long debate; for many insisted, that forbearance had already ceased to be a virtue, and that further humiliation would be followed by further insults and indignities. The sequel proved that they were correct; yet, as Mr. Jay contended would be the case, when the subject was under consideration, many who had previously doubted and hesitated, were induced, by the rejection of the second petition, to admit the propriety and necessity of a resort to arms. Mr. Jay was appointed on the committee to prepare the petition, but the paper itself was drawn up by Mr. Dickinson. At this session, a second address to the people of Great Britain was likewise adopted; also, an address to their fellow-subjects of Jamaica and Ireland. The latter was drawn by Mr.

* This feeling seems to have been prevalent in Congress at this session; for though Dr. Franklin submitted to their consideration, a sketch of articles of confederation, to be perpetual, in case there should be no reconciliation with Great Britain, his project was not taken up for discussion.

Jay, at the request of his father-in-law, Mr. Livingston, who was a member of the committee selected to prepare it.

Notwithstanding the adoption of the second petition, congress did not neglect any of the preparations necessary for putting the country in a state of defence, and strengthening the means of resistance. These measures, and others of like import, were warmly and cheerfully supported by Mr. Jay. He was now completely enlisted in the cause, and held himself in readiness to obey the call of his country wherever she might need his services, whether in the field or in the cabinet. Consequently, while congress was in session, in the month of November, he received and accepted the commission of colonel of the second regiment of militia of the city of New York, tendered him by the provincial congress. He never joined his regiment, however, as his eloquent pen, his keen sagacity, his prudence and discrimination, were required in the councils of that memorable body, whose deliberations at this period were fraught with such momentous consequences.

Respectful in tone and loyal in sentiment, as was the second petition to the king, it nevertheless shared the fate of its predecessor. All hope of an accommodation was now abandoned, and Mr. Jay was among the boldest and foremost in proposing and advocating still further warlike measures. It was determined, among other things, to issue privateer commissions,

with a view of crippling the commerce of Great Britain, and thus attacking her in the most vulnerable spot; but before commencing an offensive warfare, a declaration setting forth the causes and necessity of taking up arms, was prepared by a committee of which Mr. Jay was a member, and adopted by congress on the 23d day of March, 1776. A few months later, all ties of allegiance between the colonies and the mother country were severed by the Declaration of Independence.

When this important step was taken, Mr. Jay's seat in congress was vacant, and remained so during the rest of the session, though he continued to act as a member of the secret committee of correspondence, appointed in 1775, upon whom devolved the duty of communicating with the agents of congress in foreign countries. In the month of April, 1776, he had been elected a representative from the city and county of New York to the provincial convention or congress. When this body assembled, a grave question was presented for deliberation. It was, whether or not a permanent government for the colony should be established. At this time the delegates to the continental congress from New York were appointed by the colonial congress, and were subject to be recalled by them. Mr. Jay's counsel and advice being needed in the provincial congress, his attendance was required by resolution. On receiving the summons he left Philadelphia, and returned to the city of New York, where the colonial convention or congress was in session. At

his suggestion a series of resolutions were adopted, calling on the people to elect delegates to a new convention, with express power to establish a form of government.

The election took place, and Mr. Jay was regularly chosen a delegate. The new provincial congress met at White Plains on the 9th of July, 1776. That very day the Declaration of Independence adopted by the continental congress on the 4th instant was received. But few moments were required for deliberation. The subject was forthwith referred to a committee of which Mr. Jay was chairman, who almost immediately reported a resolution affirming that the reasons assigned by the continental congress for declaring these united colonies free and independent states, were cogent and conclusive; and that while they lamented the cruel necessity which rendered this measure unavoidable, they approved the same, and would, at the risk of their lives and fortunes, join with the other colonies in supporting it. Thus was Mr. Jay the instrument of pledging New York to the support of the declaration, though by his absence from Philadelphia he had been denied the privilege of voting in its favor.

New York was now invaded by the enemy, and other subjects connected with the defence of the state engrossed so much of the time of the provincial congress, that they were only able to appoint a committee to prepare a form of government. Mr. Jay was selected as the chairman of the committee, and the

task of preparing a state constitution was allotted to him.

Disaster and defeat attended the American arms on Long Island, and the city of New York was soon in possession of the royal forces. Treason and dissatisfaction were everywhere prevalent, and the timid and faint-hearted began to despair. There being no executive authority organized in the state, the powers of government were exercised by the convention and its committees. A Committee of Safety was also appointed by the provincial congress, who were clothed with almost dictatorial powers, "for inquiring into, detecting and defeating, all conspiracies which [might] be formed in this state, against the liberties of America." Mr. Jay was the chairman of this committee, and rendered most important services, both in reassuring those who had begun to falter in the good cause, and in counteracting the projects of the British officers, and their tory friends and abettors. The agents of this committee were distributed throughout the whole state, and their power was felt in the most remote settlements. The emissaries of royalty were tracked to their hiding-places, and their plans discovered and frustrated; the disaffected were required to give security for their good behavior; and the tories were either banished or imprisoned.

This was, indeed, a period of gloom and despondency, and the pen of Mr. Jay was often put in requisition, for the purpose of arousing the people to engage

in the defence of the country with greater alacrity, of awakening their attention to the importance of the emergency—of encouraging their hopes and stimulating their patriotism. Among the ablest and most eloquent of his productions, is the address from the provincial congress to their constituents, which was prepared by him, and adopted on the 23d of December, 1776. After enumerating the wrongs of the colonies, and showing how utterly futile must be every effort to reduce them to submission, he thus concludes his earnest and impressive appeal: “Rouse, brave citizens! Do your duty like men; and be persuaded that Divine Providence will not permit this western world to be involved in the horrors of slavery. Consider, that from the earliest ages of the world, religion, liberty, and reason, have been bending their course towards the setting sun. The holy gospels are yet to be preached to these western regions; and we have the highest reason to believe that the Almighty will not suffer slavery and the gospel to go hand in hand. It cannot—it will not be.

“But if there be any among us, dead to all sense of honor, and love of their country; if deaf to all the calls of liberty, virtue, and religion; if forgetful of the magnanimity of their ancestors, and the happiness of their children; if neither the examples nor the success of other nations—the dictates of reason and of nature; or the great duties they owe to their God, themselves, and their posterity, have any effect upon them—if nei-

ther the injuries they have received, the prize they are contending for, the future blessings or curses of their children—the applause or the reproach of all mankind—the approbation or displeasure of the Great Judge—or the happiness or misery consequent upon their conduct, in this and a future state, can move them;—then let them be assured, that they deserve to be slaves, and are entitled to nothing but anguish and tribulation. Let them banish from their remembrance the reputation, the freedom, and the happiness they have inherited from their forefathers. Let them forget every duty, human and divine; remember not that they have children: and beware how they call to mind the justice of the Supreme Being: let them go into captivity like the idolatrous and disobedient Jews; and be a reproach and a by-word among the nations. But we think better things of you—we believe and are persuaded that you will do your duty like men, and cheerfully refer your cause to the great and righteous Judge. If success crown your efforts, all the blessings of freemen will be your reward; if you fall in the contest, you will be happy with God in heaven!”*

The provincial congress were unable, owing to the exposed condition of the state, and the distractions and divisions prevailing among a large portion of its inhabitants, to enter upon the subject of organizing a state government, until the spring of 1777. The draft of a constitution prepared by Mr. Jay, was reported to the

* Life of John Jay, vol. i. p. 56.

convention on the 12th of March. In many of its features, this instrument was decidedly aristocratic in its character, though probably not more so than might naturally have been expected, from the position of those concerned in framing it. At that time, a very great share of power and influence in the state, even among the whigs, was held by the Livingstons, the Schuylers, the Clintons, the Duanees, the Van Rensselaers, the Van Cortlandts, the Morrisises, and a few other prominent families; and furthermore, democratic notions and principles were hardly as well understood, or as popular, at that day, as they have since become.

In the midst of the discussion on the constitution as reported by the committee, Mr. Jay was summoned to the bedside of his dying mother, at Fishkill, to which place his parents had removed when the lower counties of New York were overrun by the enemy. During his absence the final vote was taken, and the constitution adopted; much to his regret, however, as he designed to propose several amendments, and to engraft some new features, among which was a clause against the continuance of domestic slavery. Prior to the adjournment, the convention appointed, temporarily, the higher judicial and ministerial officers of the state. Mr. Jay was selected, by general consent, for the office of Chief Justice of the Supreme Court. It was also thought advisable to appoint a Council of Safety, consisting of members of the Convention, upon whom

was devolved the administration of the government, until the governor and legislature were elected.

Mr. Jay was appointed a member of the Council of Safety, the duties of which office engrossed his whole time and attention throughout the summer, with the exception of a few brief intervals spent in ministering to the comforts of his aged father, or in the society of his devoted wife. The first term of the Supreme Court was held at Kingston, on the 9th of September, 1777, on which occasion the chief justice delivered an able charge to the grand jury, congratulating them, and through them the people of the state at large, upon the favorable turn in the affairs of the infant republic, and encouraging them to hope for a glorious issue to the struggle in which she was engaged. Soon after the delivery of this charge, the temporary appointments made by the convention were confirmed by the legislature ; Mr. Jay, doubtless, preferring the situation to which he had been appointed, as he had been repeatedly solicited to become a candidate for the office of governor, but had uniformly declined.

Under the constitution of 1777, the veto power was lodged in the Council of Revision, which consisted of the governor, the chancellor, and the judges of the Supreme Court. Consequently, during the sessions of the legislature, Mr. Jay was much occupied, in attendance at the meetings of the council, and in the discharge of his official duties ; yet, notwithstanding, he found time to devote considerable attention to the

conduct and progress of the war, even when his other engagements were the most pressing. His whole time, indeed, was given to his country and his family,—the former receiving much the larger share.

On accepting the post of Chief Justice, Mr. Jay was obliged to vacate his seat in Congress, as the new constitution prohibited him from holding any other office, except that of delegate to Congress, *on a special occasion*. But on the 10th of November, 1778, the legislature decided that the difficulty with Vermont constituted a special occasion which required his services in congress, and therefore elected him a delegate without vacating his judicial office. He once more took his seat in that body, then in session at Philadelphia, on the 7th of December following, and three days afterwards, on the resignation of Henry Laurens, was chosen to preside over its deliberations.

In consequence of the critical condition of the country, and the frequent necessity of prompt action to provide for the public safety, congress now took no recess, but remained constantly in session. Mr. Jay did not absent himself in a single instance from his seat; but he soon came to the conclusion that his protracted absence from the state was hardly consistent with his position as chief justice. Accordingly, he determined on resigning the latter office, in the fall of 1779. Governor Clinton urgently requested him to recall his letter of resignation, but he persisted in the resolution he had formed.

While acting as president of congress, the high honor was conferred upon him of being selected to prepare a circular letter to the states, urging them to furnish the funds required for a vigorous prosecution of the war. Like all his productions of a similar character, this is distinguished for its manly earnestness, and its patriotic tone. "Let it never be said," he remarked at the close of the letter, "that America had no sooner become independent than she became insolvent, or that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring and almost adoring the splendor of her rising."

A secret article annexed to the treaty with France, concluded in February, 1778, provided, that Spain might also accede thereto, whenever she thought proper; and during the summer of 1779, congress was repeatedly urged by the French minister, M. Gérard, to take measures for securing the object contemplated by that article. It was finally concluded to dispatch an envoy to the Spanish court, and on the 27th of September, Mr. Jay was selected for that important mission. His instructions were delivered to him on the 16th of October, and on the 18th instant he set sail from America in the frigate *Confederacy*. He was accompanied by his wife, and her brother, Brockholst Livingston, who acted as his private secretary.

On the passage, he narrowly escaped shipwreck. The Confederacy was obliged to put into St. Pierre in the island of Martinique, in distress. It was fortunate that this port was selected instead of Fort Royal, as a large English fleet was then lying off the latter town, and would undoubtedly have captured the American vessel had she come within reach. From St. Pierre, Mr. Jay and his suite proceeded, in a French frigate, to Cadiz, where they arrived on the 22d of January, 1780. No time was lost in communicating his arrival to the Spanish minister, Count Florida-Blanca; but weeks and months passed away without his being honored with a formal reception in his official character. After much solicitation on his part, pecuniary assistance, to some extent, was obtained; but the Spanish monarch declined to recognize the independence of the American colonies, or to enter into a treaty with them, unless they would surrender their claims to the navigation of the Mississippi. This Mr. Jay was neither willing, nor prepared to do, on their behalf. But in the month of July, 1780, he was authorized by congress to make further concessions, and not to insist on the free navigation of the Mississippi below the southern boundary of the United States. The *projét* of a treaty was then drawn up by him and submitted to the Spanish minister, one article of which relinquished the claim to the navigation of the river, in accordance with the instructions of congress. The negotiation was now suspended, however,

by the appointment of Mr. Jay, in conjunction with Messrs. Adams, Franklin, and Laurens, as commissioners to conclude a peace with Great Britain.

He left Madrid in May, 1782, and on the 23d of June joined Dr. Franklin in Paris. The instructions of congress required the commissioners, in any negotiation for a treaty of peace, to act under the advice of the French government. It soon became evident to Mr. Jay that France was unwilling that terms of peace should be concluded, unless they were calculated to subserve her interests, and, through his persuasion and influence, his colleagues were induced to unite with him in disregarding the instructions of congress. The provisional articles were therefore agreed upon, without consultation with the French government, and regularly signed on the 30th of November, 1782.*

* Although Mr. Jay always persisted in affirming that he was perfectly indifferent as between England and France, (Life by his son, vol. ii., p. 261,) yet it is very evident that he was inclined to be partial to the former. His ancestors had there found a refuge, when fleeing from the persecutions of the French Catholics, and it is but natural that he should have imbibed their prejudices. He opposed the invasion of Canada, during the revolutionary war, preferring, doubtless, to have it remain under the dominion of Great Britain, than be transferred to the original possessors. (Life of Jay, vol. i. p. 84.)

France—that is, the government as distinguished from the people, for *they* were heart and soul with us—may have desired that America should become her *protégée*; yet it is still a mooted question, whether Louis and his ministers acted in bad faith; and the prejudices of Mr. Jay may have enabled him to discover what escaped the penetration of Adams and Franklin. The reader will find some able communica-

It deserves to be mentioned of Mr. Jay, in connection with this transaction, that he manfully and resolutely refused to treat with the British commissioners, although his associates were disposed to yield the point, unless the independence of the colonies was first conceded, by acknowledging their representatives, at the outset, as the commissioners of *the United States of America*.

After the arrival of Mr. Jay in Paris, the Spanish minister, at the French court, proposed to resume the negotiations which had been broken off at Madrid. The former readily assented to this, but the question in respect to the navigation of the Mississippi formed an insuperable obstacle to any satisfactory arrangement. In the spring of 1783, Mr. Jay was invited to return to Madrid, to renew his negotiations, and he at one time decided to comply with the invitation. But the enfeebled state of his health, occasioned by the unfriendly climate of Spain, and his devotion to his public duties, compelled him to reconsider his determination. He remained in France until the definitive treaty of peace was signed, in September, 1783, and then proceeded to England to try the effect of the waters of Bath. He rejoined his family, whom he had left at Paris, in January, 1784, and in the

tions on this subject in the National Intelligencer, during August, September, and October, 1847. For Mr. Jay's views upon this subject, and the details of his course, see his life by his son, vol. i. p. 120, et seq., and vol. ii. p. 456, et seq.

month of May following embarked for the United States.

On the 24th of July, 1784, Mr. Jay landed at New York, and was honored with a most enthusiastic reception by his fellow-citizens, who congratulated him upon the signal services he had rendered to the colonies during the contest for independence, and in the negotiations which resulted in the treaty of peace. An address was also presented to him by the corporation of New York, accompanied with the freedom of the city, in a gold box.

Many of the friends of Mr. Jay had desired that he should continue to represent the Confederation at some one of the European courts, but he refused to accept any appointment that required his permanent residence abroad. He had for some years contemplated retiring to private life, and resuming the practice of his profession, at the close of the war, though the death of his father, which had occurred during his absence, removed one of the reasons that influenced him in coming to that decision. Upon his return home, however, he found that he had been elected by congress, on the 7th of May previous, to the responsible office of Secretary for Foreign Affairs. He at first hesitated about accepting the office, and while he was still undetermined he was again appointed by the state legislature one of their delegates to congress. That body met at Trenton on the 1st of November, but adjourned on the 23d of December to the city of

New York, which continued to be the place of meeting till the adoption of the federal constitution.

The removal of the seat of government to New York, to which Mr. Jay was partial as a place of residence, obviated his principal objection to the office of Secretary for Foreign Affairs. He therefore accepted the appointment, and immediately entered upon the discharge of his official duties. For two years the office had been without a head, and he found its affairs in a most complicated condition. But order was soon restored under his auspices, and everything moved on harmoniously and with great dispatch. The post which he now held was in every respect the most important in the country, as the whole correspondence with foreign governments and with the states, was conducted by him. He was, in truth, the executive head of the Confederation, at least when congress was not in session; and while they were convened, he was almost always consulted upon every measure of more than ordinary consequence. While acting in this capacity, he was again selected by congress to negotiate a treaty with the Spanish minister, but the navigation of the Mississippi still proved an insurmountable difficulty. In accordance with his advice, he received instructions to consent to a suspension of the navigation for twenty years, below the southern boundary of the United States. But even this concession did not satisfy the Spanish envoy, and no treaty was concluded. For offering this advice an unsuc-

cessful attempt was made in congress to revoke the commission given to Mr. Jay. All the southern delegates, with one exception, supported the motion, but it was defeated by the unanimous vote of the other members.

In the summer of 1785, General Schuyler and other friends of Mr. Jay, urged him quite warmly to become a candidate for the office of governor of the state ; but, although the duties of his present situation were a great deal more arduous, and the post itself far less lucrative, he declined giving the desired permission to bring him forward as a candidate.

From the first organization of parties, Mr. Jay was a decided federalist, though usually moderate in the avowal of his opinions. The confiscation act of New York had been passed while he was in Spain, but he was so much opposed to the law that he could never even speak of it with complacency, and ever refused to purchase any land forfeited in pursuance of its provisions. Though he took no active part in the controversy, he approved of the surrender of the import duties at New York to the general government.

His position as secretary enabled him to discover and appreciate the defective features in the articles of confederation. He was, therefore, among the foremost, in advocating the formation of a central government, possessing more power than had been given to the continental congress. The great evil of the existing system, in his opinion, was the "want of energy both

in state and federal governments.”* He was, therefore, not an inattentive observer of the proceedings of the convention assembled at Philadelphia in 1787, and the constitution which they framed met with his cordial approbation. Those matchless papers written in its favor, which, under the collective appellation of “The Federalist,” have survived all the mutations of parties, and are still regarded as safe guides in the determination of constitutional questions, were prepared by him, in connection with Madison and Hamilton. He contributed the 2d, 3d, 4th, and 5th numbers, and was then obliged to discontinue writing, in consequence of a serious wound in the forehead from a stone thrown at him when attempting, with others, to preserve the peace of the city during the “doctors’ mob.” Subsequently, however, he prepared the 64th number, on the treaty-making power. He also published an able address to the people of New York, but without his name, in support of the constitution.

In April, 1788, he was elected a delegate from the city of New York to the state convention called to ratify the constitution, upon the same ticket with Robert R. Livingston, Richard Morris, James Duane, John Sloss Hobart, and Alexander Hamilton. The federalists were then largely in the majority in the city, but on account of his personal popularity, Mr. Jay ran considerably ahead of his associates, and out of 2833 votes given, he received all but 98. At the

* Life of John Jay, vol. i. p. 251.

state convention he took an active part in discussing the constitution, and offered the resolution by which it was ratified. The great preponderance of anti-federalists in the convention rendered it impossible for the comparatively few federal members to exert much influence; but such was the confidence of all parties in Mr. Jay, that he was selected to draft the circular letter to the states, urging the adoption of the amendments proposed by the New York convention.

Upon the organization of the federal government, General Washington tendered to Mr. Jay any office in his power to bestow. He selected that of Chief Justice of the Supreme Court of the United States, and was duly appointed to that office on the 26th of September, 1789. At the request of the president, he officiated as secretary of state until the arrival of Mr. Jefferson at the seat of government. The supreme court was not fully organized till April, 1790, when Mr. Jay entered upon his judicial duties. As a judge, he was distinguished for his firmness, impartiality, and integrity. His abilities, too, were held in high estimation, and the degree of Doctor of Laws was conferred upon him by Harvard University as a compliment to his attainments as a jurist. No man ever held in higher respect the fundamental principles of law and equity—none revered more sincerely the sacred fountains of jurisprudence; but unwise precedents never found favor in his eyes, and unmeaning statutes were regarded as of but little worth.

While upon the bench, Mr. Jay scrupulously refrained from interfering with political controversies, though he was often consulted by General Washington in regard to questions of public policy. In the month of February, 1792, he was nominated at a meeting of the federalists in the city of New York, as a candidate for governor, and was supported as such at the ensuing election. This nomination was made without solicitation on his part, and he reluctantly yielded to the wishes of his friends. The election was closely contested. His competitor, George Clinton, had hitherto been regarded as the most popular man in the state, and many of the warmest federalists in former years, including the Livingston family, took ground against Mr. Jay. The latter received a greater number of the votes cast; but the canvassers, a majority of whom were his political opponents, rejected the votes of Clinton, Tioga, and Otsego counties, on account of some technical irregularities, and declared Mr. Clinton to be duly elected governor of the state.*

The friends of Mr. Jay denounced the proceedings of the canvassers in the strongest terms, and had he contributed in any way to keep up the excitement, or had he favored even indirectly a resort to violent measures, a scene of anarchy and confusion would soon have been presented. But he invariably replied to the addresses poured in upon him, in a mild and conciliatory tone, and on all occasions exerted himself

* See page 61, *anté*.

to allay the storm. The legislature sustained the decision of the canvassers, and, like a good citizen, he acquiesced without a murmur,—confident, meanwhile, that the “sober second thought” of the people would do him that justice which their representatives had withheld. The result of the next gubernatorial election showed most conclusively that he was not mistaken.

In the month of February, 1793, a suit was decided in the supreme court of the United States, which involved the important question, whether a citizen of one state could bring an action against another state. The chief justice delivered the prevailing opinion in the cause, by which the right to sue was maintained. This decision occasioned considerable dissatisfaction in the southern states, and it was only quieted by the adoption of the amendment to the constitution, which declares that the judicial power of the United States shall not extend to suits prosecuted against one of the states, by citizens of another state, or citizens or subjects of a foreign state.

Mr. Jay was consulted by Washington in regard to the proclamation of neutrality, issued in April, 1793. He not only approved of that measure, but in his official capacity, and as a private individual, enjoined its observance upon his fellow-citizens. In the following year, when it was determined to dispatch a special envoy to England to remonstrate with the British government against its repeated violations of the treaty

of 1783, and its efforts to monopolize the trade of America, John Jay was selected for the mission. His name was sent into the senate on the 16th of April, 1794, and was soon after confirmed. Without resigning the office of chief justice, as his absence from the country was designed to be but temporary, he embarked from New York on the 12th of May.

The result of Mr. Jay's mission was the celebrated treaty which bears his name, concluded on the 19th of November, 1794. The anti-federalists, or republicans, had originally endeavored to defeat his nomination, and denounced in unmeasured terms all further attempts at negotiation; and when the treaty was published, it at once encountered a most violent storm of denunciation. It did not want for able defenders, however, and was ultimately approved by the president and senate. The merits and demerits of this treaty have been often discussed; but the space to do justice to them could hardly be afforded in a mere biographical sketch. It was not in every respect such as was desired; Mr. Jay himself hesitated to sign it; President Washington declined taking the responsibility of approving it, until he was advised so to do by the senate; and the latter only ratified it, with some modifications, by the constitutional vote of two thirds. On the other hand; it was undoubtedly the best that could then have been obtained; and, although it did not prevent a second war with Great Britain, it had the effect

of postponing hostilities till the country was better prepared for them.*

Ill health prevented the return of Mr. Jay to America until the spring of 1795. During his absence he was again put in nomination by his federal friends for the office of governor. The election took place in April, 1795, and before the contents of the treaty were made known. Public opinion was strongly enlisted in behalf of Mr. Jay, in consequence of the manner in which he had been defeated at the previous election, and in a poll of twenty-five thousand votes, he obtained nearly sixteen hundred majority over the opposing candidate, Robert Yates, chief justice of the supreme court of the state. The former landed at New York on the 28th of May, and on the 1st of July took the oath of office as governor of the state; having previously resigned his seat on the bench of the supreme court.

Governor Jay delivered his first speech to the legislature, at the commencement of the session in January, 1796. He declared that he would proscribe no one for the sake of his political opinions, and that he would "regard all his fellow-citizens with an equal eye," and

* See Marshall's *Life of Washington*, vol. v. p. 533, et seq.; *Life of John Jay*, vol. i. p. 305, et seq.; vol. ii. p. 235, et seq.; Sparks' *Writings of Washington*, vol. xi. p. 35, et seq.; Gibbs' *Administrations of Washington and Adams*, vol. i. p. 190, et seq.; Randolph's *Vindication of his Resignation*, Philadelphia, 1794; *Examination of the Conduct of Great Britain respecting neutral states*, Philadelphia, 1807.

"cherish and advance merit, wherever found." However praiseworthy may have been the motives that prompted this declaration,—however noble the theory of the new governor,—he was utterly unable to reduce it to practice; and during his administration a great number of removals were made from political considerations. Probably Mr. Jay did not concur in the propriety of making all these changes, but if so, he remained a passive spectator in the council composed of his friends.*

Among the recommendations of the governor were the mitigation of the criminal code, and the establishment of institutions for the employment and reforma-

* The biographer of Mr. Jay, (vol. i. p. 391) says that when the latter entered upon the office of governor, "most if not all the offices" in the gift of the executive, were filled by the political friends of Governor George Clinton; and he adds, furthermore, (ibid. p. 392) that "during the six years of Governor Jay's administration, *not one individual* was dismissed by him from office on account of his politics." Now, either one or other of these statements is incorrect; for it is undeniably true, that when the republican party regained the ascendancy in the state, near the close of Governor Jay's administration, they found that "most if not all the offices" were filled by *his* political friends. The writer may have intended that his language should be construed strictly, and to be understood as saying that Governor Jay, in his own proper person, did not actually remove any person from office on account of his politics; but if such be the construction he designed to have put upon his words, the fairness and impartiality of the writer are not very obvious, especially when we reflect that all appointments, of any importance, were made by the council of which the governor was a member, and upon his nomination.

tion of criminals. Both these suggestions were approved by the legislature, and the necessary laws passed. He also urged the importance of facilitating and multiplying the means of intercourse between different parts of the state. Although he had long been in favor of the gradual abolition of slavery, he did not think proper to recommend the measure, lest it might become connected with party politics. An intimate friend of his, however, introduced a bill providing for the abolition, at an early day in the session. There were still too many and too powerful prejudices to overcome, and a favorable vote was not this year obtained; but the subject was pressed, at each annual meeting of the legislature, by the friends of the governor, acting under his counsel and advice; and in the winter of 1799, their efforts were crowned with complete success, and the bill which had so often been postponed or defeated became the law of the land. In this manner was Governor Jay identified with the first effort made towards the abolition of slavery in the state of New York.

The session of the legislature in the winter of 1797 passed off without any occurrence of unusual interest. At the ensuing session the governor recommended the passage of laws providing for the more strict observance of the Sabbath. One of the first acts of his administration had been the recommendation of a day of public thanksgiving, in accordance with the prevailing custom in the New England states. But

"eastern notions" were not at all popular among the descendants of the old Knickerbockers, and he never repeated the recommendation. The measure which he suggested in 1798 was much more acceptable, and a law was enacted, in conformity with his suggestions. At this session, also, a company was incorporated to make a navigable communication between Lakes Erie and Ontario, but it never went into operation.

At the April election in 1798, Mr. Jay was again a candidate. He would willingly have retired from the chair of state, but his friends insisted that no other man belonging to the party could be chosen, and the prospect of a war with France rendered it highly important that the national administration should be sustained by the powerful state of New York. The excitement in regard to the treaty with Great Britain in 1794, had now nearly subsided, but the republicans were active and determined in preparing for the canvass, and they presented as their candidate, Robert R. Livingston, the chancellor of the state, and the intimate friend and relative of Mr. Jay. The latter would have preferred almost any other opponent, but no alternative seemed to be left to him. The election went off without any disturbance or difficulty, notwithstanding the heated passions and prejudices of the rival parties. About thirty thousand votes were cast, over sixteen thousand of which were given to Mr. Jay.

The first two years of the second term of Mr. Jay's administration passed away quietly. In the summer

of 1798, an extra session of the legislature was held, in pursuance of his proclamation, for the purpose of adopting measures for the defence of the state, in co-operation with the general government; a war with France being at that time threatened. At the April election in 1800, a majority of republican members were returned to the New York assembly; and it was now certain, that if the choice of electors were to be made by the legislature, Mr. Jefferson would be elected president. In order to prevent this result, Alexander Hamilton wrote a letter to Mr. Jay, urging him to convene the old legislature, whose terms of office did not expire until the 1st of July, for the purpose of changing the law so as to permit the choice of electors by the people in districts. By this means, he said, "a majority of votes in the United States for a federal candidate" would be ensured. To the honor of Governor Jay, be it said, he refused to have any part in such a proceeding; and upon the letter of Mr. Hamilton, afterwards found among his papers, he made this endorsement: "Proposing a measure for party purposes, which I think it would not become me to adopt."*

This act was strictly in keeping with the character of Mr. Jay as a politician. Throughout his whole life, he was a firm, decided, and consistent federalist; but he never manifested the bitterness that characterized Ames and Sullivan, and belonged rather to that conservative school headed by the Pinckneys, the Ad-

* *Life of Jay*, vol. i. p. 412 et seq.

amses, and the Kings, than to that ultra class led on by Hamilton, Pickering, and Wolcott. He was opposed to the election of foreigners to office.* He thought the right of suffrage ought to be restricted, in most cases, to freeholders; for it was ever a favorite maxim with him, that "those who own the country, ought to govern it;"† and he had a great horror of democracy, believing that "*pure* democracy, like *pure* rum, easily produces intoxication."‡ Previous to the adoption of the federal constitution, he expressed himself in favor of a strong central government, which should possess the power of commissioning and removing all the principal officers in the different states;§ and though he lived to see the Union successful beyond the most sanguine expectations of its friends—to behold the daughter outstripping the mother country—"*matre pulchrâ filia pulchrior*"—in all the elements of national wealth and greatness—he had but little confidence in the stability of the government.|| He was a friend to the people, but he preferred to be their protector, rather than their equal.

In entertaining these views, and in uttering them on all suitable occasions, he was frank and sincere; but he was no political bigot, and he never failed to rejoice in the happiness and prosperity of his native land.

In his first speech to the legislature, in January,

* Life of John Jay, vol. i. p. 407.

† Ibid. p. 70.

‡ Ibid. vol. ii, pp. 309, 313, 351, 366, et alibi.

§ Ibid. vol. i. p. 256.

|| Ibid. vol. ii. p. 295.

1796, Governor Jay recommended that something should be done to remove the ambiguity in the constitution, relative to the exclusive right of the governor to make nominations, which had occasioned the dispute between Governor Clinton and the council of appointment. No action was had in the premises, however; and at the session of the legislature, in the month of November, 1800, the republican majority in the assembly made choice of a council, composed of a majority of their political friends. De Witt Clinton and Ambrose Spencer, the leading republicans in the senate, were members of this council. They were not convened by the governor until the 11th of February, when his nominations were summarily rejected by the majority; and at a subsequent meeting, they claimed the concurrent right of nomination. Governor Jay was determined not to yield the point; he therefore refused to put any nominations, except those made by himself, and forthwith adjourned the council. He immediately sent a message to the legislature upon the subject, and the majority of the council also made a written communication to the assembly. The two houses could not agree upon the measures necessary to be adopted, though a law was passed at this session, recommending a convention; and the governor did not again call the council together during the remainder of his official term.

An effort was made by the party friends of Mr. Jay, to induce him to become a candidate a third time; but

it proved unavailing. The period had now arrived, at which he had long previously determined to retire to private life; and he could not be induced to forego the quiet and repose to which he had looked forward with so much satisfaction, for a participation in the imbittered strifes and controversies of political partisans. On the 19th of December, 1800, he was appointed by the president and senate Chief Justice of the United States;* but even the tempting prospect thus afforded, of a return to his old post, could not induce him to alter his determination; and in the month of May, 1801, he bade a final adieu to the cares and anxieties of office, and retired to his estate at Bedford, in the county of Westchester. Here he spent the remainder of his life, surrounded by a few friends, who knew and could appreciate his worth—by children who revered and loved him; occupying himself in the care of his farm, in works of benevolence and charity, in the study of the Bible, and in advancing the interests of religion.

He lost his wife within the first year after his removal to Westchester county; but severe as was this blow, it fell upon a heart sustained and cheered by the Christian's hope—patient in every trial, and resigned in every affliction. He survived her many years; and though never unmindful of her absence, he did not

* It would seem that the nomination of Mr. Jay was not very acceptable to the Hamiltonian federalists. See the letters of Wolcott and McHenry—Gibbs' Administrations of Washington and Adams, vol. ii. pp. 460, 461, 468.

mourn "as one without hope." He could look back on his past life with few emotions of regret; and as for the present, how could he have been otherwise than content and happy, when each returning anniversary of his birth reminded him how

"Noiseless falls the foot of time, that treads on flowers."

He died at Bedford, on the 17th of May, 1829, in the eighty-fourth year of his age—leaving a rich legacy to his children, in an unspotted name, and in the thousand noble virtues with which it is imperishably associated.

The personal appearance of Mr. Jay was indicative of his origin. At the age of forty-four, he is described by Mr. Sullivan, as being a little less than six feet in height—"his person rather thin, but well formed. His complexion was without color, his eyes black and penetrating, his nose aquiline, and his chin pointed. His hair came over his forehead, was tied behind, and lightly powdered. His dress black. The expression of his face was exceedingly amiable. When standing, he was a little inclined forward, as is not uncommon with students long accustomed to bend over a table."*

His talents were of a high order. His mind was well stored with the learning of the ancient and modern world, and in the English classics he was well versed. His style as a writer was like his character, simple and pure, but elevated and impressive. As a speaker, he was easy and fluent, presenting a happy mixture of

* Familiar Letters on Public Characters, Lett. xv.

earnestness and dignity. He did not "lead to bewilder, and dazzle to blind." His eloquence was not like the mountain torrent, dashing and impetuous; nor yet like the swelling of the ocean, grand and magnificent; but like the never-failing rivulet, gentle and tranquil in its course, yet surely and slowly making its way to its end. He was slow in judgment, but clear-headed and accurate. He never adopted an opinion hastily, but deliberated patiently; and the decisions at which he arrived were almost as sacred, in his estimation, as the laws of the Medes and Persians to those who believed in their infallibility.

In regard to his public character, but little can be said in addition to what may be gathered from the foregoing pages. He was honest and true, faithful and prompt in the discharge of every duty, and of unimpeachable integrity. Cherishing his own convictions in all sincerity, he respected the motives of those who differed from him in opinion. Amid all the blandishments of public favor, he never forgot what he owed to himself, to his family, to his country, and to his Maker. Unseduced by the allurements of office, unterrified by threats and denunciations, he did not falter when the path was plain before him; but in and through all, preserved the jewel of his honor untarnished and unsoiled.

So, too, in private life, every obligation was discharged cheerfully, and with promptitude. As was said of Petrarch, "his word was sufficient." He was a dutiful son; a kind and faithful husband; and an

affectionate parent. He was charitable and generous, and in all his dealings with his fellow-men, the scales of justice were held at an even poise. His piety was sincere and unaffected; not made up of outward show and forms; but the genuine religion of the heart. Truly, might it be said of such a man:—

*"Felix non solum claritate vitæ,
Sed etiam opportunitate mortis!"*

MORGAN LEWIS.

No one family occupies a more conspicuous place in the early annals of New York than that of the Livingstons. At the commencement of the revolutionary struggle—amidst storm and darkness—they devoted themselves to the colonial cause; and the record of their patriotic services forms no small part of the history of the country. The honors which they gathered were neither few nor unimportant. In the legislative hall, and in the cabinet—in the forum, and in the field—they were alike distinguished. The evidences that bear witness to their talents multiply upon examination, and their integrity and fidelity during the contest for freedom cannot be gainsayed. They were interested in many a well-fought conflict, and on the bright roll of American statesmen and civilians they were worthily represented.*

* A history of the Livingston family is a desideratum in the literature of New York. The materials for such a work must be ample; yet, with the exception of Sedgwick's Life and Letters of William Livingston, and a few meagre biographical sketches of other members of the family, we have nothing that can supply the deficiency.



MORGAN LEWIS.

Third Governor of New York.

Lith. F. Muhlen 111 Nassau St.



It is usual with politicians, and perhaps is not improper, to refer to the Livingston family, as embracing, as well those who bore the name, as the prominent men,—such as Jay, Tillotson, Armstrong, Thompson, and Lewis,—who were connected with it by marriage. The last of these, MORGAN LEWIS, is the subject of this sketch. Of his parentage he had just right to be proud: his father was one of the little band of patriot statesmen, who affixed their names to the declaration of American Independence, and in the midst of trials and reverses, that severely tested his constancy and faith, remained firm and steadfast even unto the end.

Francis Lewis, the father, was born in the town of Llandaff, South Wales, in March, 1713. At the age of four or five years, he was left an orphan, in charge of a maiden aunt, who taught him the rudiments of learning, and instructed him in the ancient Welsh language. Subsequently, he was sent to Scotland, where, while residing in the family of a relative, he acquired a pretty correct knowledge of the Erse. His education was afterwards completed at the school of Westminster, at which he enjoyed the reputation of being a good classical scholar. On leaving the school, he entered the counting-room of a London merchant, and by his assiduous attention to business, soon won the regard and esteem of his employers, and became well skilled in the duties appertaining to the mercantile profession. When he arrived at man's estate, he determined to seek his fortune in the western world. The decision

once made, he did not lack the energy and enterprise necessary to carry it into effect. Converting all his means into merchandise, he embarked for New York, and arrived there in the spring of 1735. He left a part of his goods at this place to be disposed of by his partner, Edward Annesly, and with the remainder proceeded to Philadelphia, where he established himself in business.

In 1737, Mr. Lewis returned to New York, and in a few years was regarded as one of the most active and enterprising merchants in the city. His commercial transactions were very extensive, and were principally connected with the foreign trade. He frequently accompanied his vessels in their voyages, and was twice shipwrecked on the Irish coast. In the last French and Indian war, he acted as the agent of the government in procuring supplies for the troops, and was present at the obstinate defence of Oswego, in the summer of 1756. On this occasion he manifested a great deal of firmness and ability; and in consideration of his valuable services, he received at the close of the war, a grant of five thousand acres of land, portions of which eventually became quite valuable.

He was included in the surrender to Montcalm, and with about thirty other prisoners, was delivered up by the French commander to the head chief of his Indian allies, in open and shameful violation of the terms of the capitulation. Mr. Lewis had obtained a smattering of the Indian language, and being able to com-

municate with the chief, he so pleased him by his conversation, that he escaped the sad fate which befell his companions in misfortune, many of whom were cruelly murdered.* Indeed, he so won upon the chief, that the latter interceded with Montcalm, in order to obtain permission for him to return to his family without ransom. The request was denied, and he was sent as a prisoner of war to France. He remained there, till he was regularly exchanged, when he returned to America.

From his position as a merchant, and from his connection with the commercial and maritime interests of the colonies, Mr. Lewis was among the first to feel the effects of the arbitrary taxation and the restrictive measures adopted by the home government. Whatever he could do to warn his fellow-citizens against the impending danger, he did boldly and without hesitation. At an early stage of the struggle, he foresaw that the evils of which the colonists most justly complained, would be immedicable, without an entire separation from the mother country. His high character for probity and intelligence, and his fearlessness in the maintenance and utterance of his opinions, commanded the

* It has been said, that Mr. Lewis was able to converse with the Indian warrior, by reason of the similarity of his dialect to the ancient Welsh; but this resemblance, as well as the tradition respecting the settlement of the Welsh prince in the valley of the Mississippi, has long since been shown to be purely fictitious. We cannot regret, however, that the tradition was once regarded as authentic, since it has given us the beautiful 'Madoc' of Southey.

respect and confidence of the people of New York; and in 1775, he was unanimously elected a delegate to the continental congress. In the following year, he had the honor of affixing his name to the Declaration of Independence. He continued to represent New York in the national legislature, of which his business habits and talents rendered him a most valuable member, until the year 1779. During the war, he was concerned in the importation of military stores for the army, and rendered many secret services, at the request of congress, of the most important character.

Shortly after he took up his residence in the city of New York, Mr. Lewis married the sister of his partner, by whom he had several children. Being apprehensive of an attack upon New York, he removed his family and effects, early in 1775, to a country-seat which he owned, on Long Island. Here he deemed them secure; but the sequel showed his mistake. In a few months, the whole island was overrun by the British troops, and his house was attacked and plundered by a party of cavalry. His large library and all his most valuable papers were destroyed, and his wife was taken prisoner. She was detained as such for a number of months, and kept in close confinement. At length, through the intercession and remonstrance of Washington, she was released; but she had experienced such barbarous treatment during her captivity, that her constitution was completely shattered, and she soon sunk into the grave.

Previous to the revolution, the affairs of Mr. Lewis had been exceedingly prosperous ; but he literally and truly perilled everything, by his firm adherence to the revolted colonies. His losses during the contest were so great, that he spent the close of his days in comparative poverty. His death occurred on the 30th of December, 1803, in the ninetieth year of his age.

Morgan Lewis, the son of Francis Lewis, was born in the city of New York, on the 16th day of October, 1754. At an early age he was sent to the Elizabethtown academy, and from thence transferred to the college of New Jersey, at Princeton. While a member of this institution, he was distinguished for his correct deportment, and for his studious disposition. He stood in the foremost rank of his class ; and at the annual commencement in 1773, delivered one of the honorary orations. At this time he took his degree, and in the same year entered the office of John Jay, as a student at law.

In common with other young men of his acquaintance, in the city and colony of New York, he regarded with deep interest the ominous forebodings of the approaching struggle. Inheriting the zealous and self-sacrificing patriotism of his father—in him but the more conspicuous, because it was manifested with all the ardor of youth—he never hesitated as to what course he should pursue. In 1774, he joined a volunteer company, composed mainly of his associates, or those about the same age as himself, who had united to-

gether for the purpose of perfecting themselves in military discipline, under the instruction of one of the soldiers of the "Great Frederic." The ability of the teacher, and the manner in which they profited by his tuition, may be inferred from the fact, that this one company furnished to the army of the revolution more than fifty of its best officers.

When the tocsin of war was sounded at Lexington and Concord, young Lewis threw down his books, and caught up the musket. In the month of June, 1775, and but a few days subsequent to the battle of Bunker-hill, he joined the army before Boston, as a volunteer, in a rifle company, commanded by Captain Ross, of Lancaster, Pennsylvania. His absence from New York was but temporary, as he was soon elected to the command of the company of volunteers organized in that city, as has been mentioned. He returned home towards the close of the month of August, and on the 25th of that month was ordered by the provincial congress to cover with his company a party of citizens, while engaged in removing the arms, ordnance, and military equipments, from the arsenal on the Battery. The *Asia*, a British man-of-war, which had been ordered from Boston, to overawe the city, and prevent any outbreak or disturbance by the "sons of liberty," then lay at anchor in the bay, nearly abreast of the arsenal, and within short cannon range of the shore. It was necessary, therefore, to proceed with great caution, lest the design should be discovered; for though

the possession of the guns and *matériel* was of sufficient importance to risk a collision, it was advisable to effect the object, if possible, without drawing the fire of the British vessel upon the city.

Information, however, of the contemplated movement had been communicated to the commander of the *Asia*, by the spies of Governor Tryon; and shortly after nightfall, the former dispatched an armed barge, to watch the proceedings on shore. The work of removal had but just commenced, when the boat was discovered gliding slowly in with muffled oars. The sentinel who discovered her immediately hailed, and receiving no answer, fired a shot over her, at the same time ordering those on board to come to the shore, or at once to pull out into the stream. The order was unheeded; but a small blue light was exhibited under the bow of the boat. This was, doubtless, the concerted signal; and in an instant the battle-lanterns of the *Asia* were lighted, and her guns opened their fire in the direction of the arsenal. Captain Lewis promptly detailed a section of his command, who fired a volley into the boat, which killed one of the crew, and severely wounded another. The cannonade was kept up from the vessel, and the houses on the Battery were considerably injured, but no other serious damage was done.

In the month of November, following, the provincial congress organized the militia of New York into regiments. Captain Lewis was commissioned as first

major in the second regiment of foot. John Jay was appointed colonel of the regiment; but as he never joined it on account of the pressing nature of his other public duties, the command devolved on the first major. Accordingly, during the ensuing winter, Major Lewis spent most of his time in organizing, equipping, and disciplining his regiment. But he ardently desired to be employed in more active service, and in June, 1776, accompanied General Gates to the northern frontier, as the chief of his staff, with the rank of colonel. On joining the army, which had now returned from Canada, he was appointed quartermaster-general of the northern department, in which capacity he was continued until the close of the war.

The duties devolving upon Colonel Lewis by virtue of this appointment, though useful and important, were not such as history delights to chronicle. It need only be said of them that, arduous and difficult as they were, fidelity and promptitude, at all times and under all circumstances, characterized his performance of them. He accompanied the army when Ticonderoga was evacuated, and rendered most valuable services in securing the *attirail*, munitions and supplies, and transporting them to the islands in the Hudson, above the embouchure of the Mohawk, where Schuyler had determined to make a final stand against the invading forces led by Burgoyne. To him, also, was that same army, reinforced by the militia of New England and New York, deeply indebted, for the com-

pleteness of their preparations, in anticipation of the memorable campaign under the ambitious but patriotic Gates. When the latter moved forward to the position which he ultimately occupied, on Bemis' Heights, he found everything in readiness for the march and the encampment, that the department over which Colonel Lewis presided was required to furnish, and repeatedly expressed his satisfaction with the arrangements that had been made.

After the battle of Stillwater, on the 19th of September, a general order was issued providing that, in the event of another conflict, the quartermaster-general should perform the duties of an aid-de-camp for the occasion, and directing that all orders given on the field by that officer, should be considered as coming from head-quarters, and obeyed accordingly. The final engagement on the 7th of October, as it will be remembered, was fought mainly in the woods, and Gates himself saw little or nothing of the movements that were made, though he was kept constantly informed of the changing aspects of the battle, by the videttes and messengers whom he had dispatched to the scene of action when the drums first beat the alarum. A party of these, consisting of six or eight of the most intelligent and best mounted of Vernéjour's troops, were under the command of Colonel Lewis, who placed himself in close proximity to the hostile lines, in a favorable place for observation, and communicated almost instant information of every movement to his chief.

This action was the fitting prelude to the capitulation on the 17th instant. While Burgoyne and his officers were forgetting the misfortunes which had preceded the surrender, in the kindness of their reception by the courtly Gates, and his gallant brethren in arms, Colonel Lewis conducted the downcast and dispirited soldiers whom the former had commanded, to the plain on the margin of the Hudson, where they piled their weapons, and then through the long lines of American yeomanry to the rear of the encampment. The bright star which thus shed its beams over the plains of Saratoga, rose upon a land darkened with misfortune and gloom; but it proved the blessed harbinger of weal, and when it set, the hour of deliverance had come.

No further attempt at the invasion of Canada was made by the continental army, and the head-quarters of the northern department were now transferred to the city of Albany. Here Colonel Lewis was for the most part employed in discharging the duties connected with his staff appointment. In the fall of 1780, he took part in the expedition under General Robert Van Rensselaer, against the partisan corps under Sir John Johnson, and the fierce warriors of the savage Brant, who were laying waste the beautiful and fertile valley of the Mohawk. On this occasion, he was honored with the command of the advance; and in the engagement at Stone Arabia, he did good service at the head of his men, exposing himself fearlessly in the *mêlée*, and contributing essentially to the defeat and

rout of the enemy. Subsequently, he accompanied Governor Clinton to Crown Point, with a strong party of troops, in order to cut off the retreat of the same party of marauders who had debarked at that place and crossed over the country on another errand of destruction. The attempt was unsuccessful, and the mongrel band escaped the fate which they had so richly deserved.

At the close of the war, Mr. Lewis resumed his professional studies, and was duly admitted to the bar. He commenced practice in the city of New York, and soon secured a very respectable share of business. He was naturally fond of the "pomp and circumstance" of war, and was appointed colonel commandant of a legionary corps of volunteer militia, at the head of which he escorted General Washington on the occasion of his first inauguration as President of the United States. Previous to this event, but in the same month, he had been elected a member of assembly from the city and county of New York on the federal ticket. Before the time for the next annual election came round he removed to Dutchess county, but his friends insisted on presenting his name to the electors of that county, and he was again returned to the legislature. Soon after this, he was appointed one of the judges of the Dutchess Common Pleas.

The political associations of Mr. Lewis when he first entered public life were decidedly federal, but in common with a majority of the other members of the Livingston family, he abandoned the party almost as

soon as it was formed, and in 1790 entered the republican ranks. On the 8th of November, 1791, he was appointed attorney-general of the state, to fill the vacancy occasioned by the resignation of Aaron Burr, who had recently been elected a senator in Congress.

Mr. Lewis continued rapidly to ascend the official grades, which finally conducted him to the highest office in the state. In the summer of 1792, the council of appointment determined to create a fourth judge of the supreme court, and by the casting vote of Governor Clinton the office was conferred on Mr. Lewis; and in 1801, the latter was made chief justice. Upon the bench, he presided with dignity and impartiality. His decisions were marked by candor and good sense; and by his firmness, tempered by a kind and agreeable manner, he commanded respect, and enforced obedience, without incurring the ill-will of suitors or attorneys.

After the nomination of George Clinton, as the republican candidate for vice-president, in the winter of 1804, it became necessary to select some other person to fill the gubernatorial office in New York. Aaron Burr possessed many warm and attached friends in the republican party who still adhered to the waning fortunes of their patron and friend, like the dying knight to his pedigree, and labored unceasingly to secure his nomination. But the circumstances attending the presidential contest in the house of representatives, in 1801, had alienated the affections

of the great majority of his former political friends; and the Clintons and Livingstons threw the whole weight of their influence against him. Nevertheless, his more devoted adherents insisted on bringing him forward; and though they found it impossible to procure the endorsement of a legislative caucus, his name was duly presented at a meeting held for that purpose. The federalists made no nomination; but, with the exception of the immediate personal friends of Alexander Hamilton, resolved to support Mr. Burr.

John Lansing, jun., then chancellor of the state, was nominated, in the first instance, by the republican legislative caucus, for the office of governor; but he declined becoming a candidate. A second meeting was then held, at which Chief Justice Lewis was put in nomination. John Broome was nominated for lieutenant-governor. So great was the preponderance of the republicans in the legislature, at this time, that the address, recommending these candidates to the favor of the electors, was signed by one hundred and four of the one hundred and thirty-two members.

The result of the election was a matter of some doubt. Mr. Burr possessed considerable personal popularity among the republicans of the state; and had the whole strength of the federal party been exerted in his behalf, it is very probable that he would have been elected. But Mr. Lewis received much the greater portion of the republican suffrages. There were, in all, about fifty-three thousand votes taken, of

which nearly thirty-one thousand were given to Mr. Lewis, who was consequently elected by almost nine thousand majority, and immediately resigned his seat on the bench of the supreme court.

Among the first official acts of Governor Lewis, was that of recommending to the legislature, in his speech at the opening of the session in January, 1805, the subject of making some permanent provision for the encouragement of education, and the support of common schools; and if he had no other claim upon the favorable regard of his fellow-citizens, this alone should entitle him to their lasting gratitude. "I cannot conclude, gentlemen," said he, "without calling your attention to a subject which my worthy and highly-respected predecessor in office* had much at heart, and frequently, I believe, presented to your view—the encouragement of literature. In a government resting on public opinion, and deriving its chief support from the affections of a people, religion and morality cannot be too sedulously cultivated. To them, science is an handmaid; ignorance, the worst of enemies. Literary information should then be placed within the reach of every description of citizens, and poverty should not be permitted to obstruct the path to the fane of knowledge. Common schools, under the guidance of respectable teachers, should be established in every village, and the indigent educated at the public expense. The higher seminaries, also, should receive

* George Clinton.

every support within the means of enlightened legislation. Learning would thus flourish, and vice be more effectually restrained than by volumes of penal statutes."

These were words of wisdom, and they were wisely heeded. On the 5th day of February succeeding, the governor sent a special message to the legislature, in which he advised that the proceeds of the public lands of the state, amounting to one and a half millions of acres, should be exclusively appropriated to educational purposes. A bill was forthwith introduced, which became a law on the 2d of April, setting apart the net avails of the first five hundred thousand acres of land that should be sold, and three thousand shares of bank stock, as a fund for the use of common schools, to accumulate till the interest amounted to fifty thousand dollars per annum; after which, the latter was to be annually distributed, for the promotion of the great object in view, in such a manner as the legislature might direct.

In this manner, upon the recommendation of Morgan Lewis, was the foundation of the present common school fund first laid. One improvement after another has been made, until now we have a splendid system of education, to which the citizen of New York may justly point with exultant pride. Its influence is felt in every nook and corner of the state; in the crowded thoroughfares of our large towns and cities, and in the quiet hamlet embosomed amid the leafy drapery of our

virgin forests ; in the marble palace of the millionaire, and in the humble cottage of the laborer. "The district school is no longer the repulsive, dreary, and tedious place of mental and bodily torture, which has furnished the fertile theme of wit and sarcasm to so many of the highest class of minds. Music and innocent hilarity ; play-grounds, adorned with the choicest flowers, and cultivated with the most assiduous care ; walls, ornamented with the most tasteful and attractive drawings ; and seats and desks, arranged with the utmost regard for the comfort and convenience of the occupant ; kind, attentive, and faithful teachers, and cheerful, obedient, and happy pupils—now meet the eye on every hand ; and the work of education is everywhere progressing, with a power and success hitherto unknown."*

The wish of Governor Lewis has been fulfilled. Poverty no more obstructs "the path to the fane of knowledge," and the indigent are educated "at the public expense." The starting-point in the career of learning has been made free to all ; and the son of the rich man enjoys no greater privileges, in this respect, than the young stripling, with no fortune but an honest heart and a determined spirit, who presses forward beside him in the race.

In the autumn of 1805, the governor visited most of the counties in the state, in his character as commander-in-chief, and personally inspected the militia. As has been remarked, he was naturally fond—perhaps

* District School Journal, May, 1846.

too much so—of military show and display. The improvement of the militia system was one of the principal themes of his speech, at the commencement of the legislative session in the winter of 1806; and this, together with the reviews, furnished abundance of material for the small wits of the day, in their attacks upon him. In the course of his speech, he referred to the almost universal want of experienced drummers, and remarked, that the “drum was all-important in the day of battle.” His political enemies at once pounced upon this expression, and rung the changes upon it from one end of the state to the other. It has since been the text of one of those *peculiar* paragraphs of Mr. Hammond, the propriety or good sense of which it is alike difficult to discover.* No doubt, the idea intended to be conveyed by the governor, might have been expressed in a manner less obnoxious to puerile criticism; but whatever may be said in regard to the mere choice of words, the sentiment itself was plain matter-of-fact; for every one whose opinions are entitled to the least consideration, knows very well that martial music is of especial importance to an army, whether in battle or out of it.

Another recommendation of the governor was likewise made the subject of ridicule, by those who were unable to appreciate its value and utility. This was the introduction of light artillery—a measure which, howsoever it may have been derided, survived the storm

* Political History, vol. i. p. 232.

of obloquy to which it was exposed ; and when the experience of the second war with Great Britain had demonstrated its usefulness, was elevated to a high place in the estimation of the public. The governor further called the attention of the legislature to the provision of the existing constitution, which required the establishment of magazines in each county in the state. His counsels were followed to a great extent, and the happy effect of observing them was witnessed in the readiness with which the militia were prepared to take the field, during the war of 1812.

It appeared from the speech of the governor, that the debt due from New York to the general government amounted to nearly eight hundred thousand dollars ; and inasmuch as the former had a right to expend upwards of five hundred thousand dollars in constructing works of fortification for the defence and security of her harbors and other exposed points, he earnestly urged the legislature to take the matter into consideration.

Whoever has taken the pains to examine with any care the early political history of New York, must have remarked the commanding influence exerted, for a long period, by the Clintons and the Livingstons. While Aaron Burr was at the height of popularity, he managed dexterously to change from one side to the other, as the prospect of "future favors" chanced to appear the most inviting. The federalists were defeated in 1800, by a union of the three interests ; and the

Clintons and the Livingstons combined to overthrow Burr at the gubernatorial election in 1804. In the following summer, occurred the fatal duel between the latter and General Hamilton; and public opinion at once pronounced against the survivor its unsparing decree of ostracism. Thenceforth, the contest was between the Clintons and the Livingstons; for the federalists, meanwhile, were in a sort of dormant state—not literally sucking their paws, but supporting themselves on equally unsubstantial food, the hope of better days to come.

Governor Lewis had scarcely seated himself in the chair of state, when his proceedings began to be severely criticized and censured by De Witt Clinton and his friends. The first cause of dispute, probably, was the bestowal of the offices. Political, like every-day charity, always begins at home; and it was no more than natural for the governor to manifest some preference for those to whom he felt the most indebted. The manner in which he dispensed the executive patronage was not at all satisfactory to the Clinton faction; and when he refused to join in the crusade against the Merchants' Bank, the breach became irreparable. The council chosen by the legislature of 1806 was composed of a majority of Clintonians—one of the number being De Witt Clinton—and they had no sooner been appointed, than they commenced removing the Lewisites from office.

The governor was not naturally calculated for a pol-

itician, else he might have stemmed the torrent, which was fast bearing him down, with entire success. He lacked boldness and decision, and possessed but an ordinary degree of shrewdness. The federalists, or, at least, the greater portion of them, came to his rescue; and in the legislature of 1807, the Lewisite republicans, with the assistance of the former, were in a respectable majority. A new council, friendly to the governor, was now chosen, and matters soon began to assume a more promising appearance. But the signs of the times were deceptive. At a meeting of his republican friends, held in the city of New York, on the 1st day of January, 1807, Mr. Lewis had been nominated for re-election; a majority of the members of the legislature, however, belonging to that party, were opposed to this step, and sixty-five of them united in recommending the support of Daniel D. Tompkins. Forty-five of the republican members affixed their names to the address, urging the electors to vote for Governor Lewis.

At the April election, the great mass of the federalists gave their suffrages to Mr. Lewis, and he also received a number of the republican votes; but his competitor was generally looked upon as the regular candidate, and at the close of the canvass, it appeared that he had received a little over four thousand majority above the former incumbent, in a poll of sixty-six thousand votes.

Notwithstanding his temporary association with the federalists. Governor Lewis was still a republican in

principle, and cordially supported the administrations of Jefferson and Madison. After his defeat, he was disinclined again to enter public life ; but at the annual election in 1810, he was induced to yield to the solicitations of his friends, and became a candidate, on the republican ticket, for the office of senator from the middle district of the state. His party succeeded in electing him, by an unusually large majority ; and as a member of the legislature, he sustained, by his vote and influence, the republican administration of Governor Tompkins. He was chosen a member of the council of appointment, and took an active part in procuring the passage of the bill incorporating the Bank of America.

The war of 1812 found Mr. Lewis somewhat advanced in years. The noon-time of life had passed away. Age had impaired the vigor of his body, but it had neither weakened the strength of his mind, nor destroyed, in aught, the fire of patriotism that continued to burn in his heart. His services were promptly offered to the general government, in anticipation of a collision, and in the month of May, 1812, he was appointed quartermaster-general of the army of the United States, with the rank of brigadier-general. He was constantly employed in the business of his office, till the close of the campaign, and in March, 1813, was promoted to the rank of major-general. His connection with the quartermaster's department now ceased, and he accompanied General Dearborn to the Niagara

frontier. At the capture of Fort George, General Lewis followed closely the movement of the advance corps under Colonel Scott, with the whole of his division, and aided in dispersing and scattering the enemy's troops. He then ordered the pursuit to commence, but almost immediately countermanded his orders, under the direction of the commander-in-chief. Thus was Scott recalled when the enemy were "within his grasp near Queenstown;"* and thus were many of the substantial advantages that might have resulted from the attack lost to the army, through no fault of General Lewis.

In the fall of this year occurred the memorable and unfortunate expedition of General Wilkinson down the St. Lawrence. General Lewis took part in the movement, as the second in command. When the army left Sackett's Harbor he was in feeble health, and continued so during the remainder of the campaign. On the day previous to the engagement at Chrystler's fields, General Wilkinson gave up the command to Lewis, on account of indisposition. The latter immediately rose from his sick bed, and in person reconnoitred the enemy who were pressing upon their rear.

At midnight he dispatched an order to General Boyd, who commanded on shore, requiring him forthwith to strike his camp and form a junction with the advanced column under General Brown; and at the

* Letter of Colonel William J. Worth, quoted in the National Portrait Gallery.

same time he instructed the officers in charge of the boats to close up. Had this movement been carried into effect the enemy would have been drawn further from their resources; their flotilla would have been entangled in the rapids, and a retreat rendered impossible; thus circumstanced, it would have been easy to fall upon them with the united strength of the army, and to crush them at a blow. But the order of General Lewis had scarcely been delivered to General Boyd, when the latter received instructions from the commander-in-chief, directing him "to face about and beat the enemy." The disastrous action of the 11th of November was the result; and the American troops soon after retired into winter-quarters,—both officers and men chagrined beyond measure at the ill-success of the expedition.

In 1814, General Lewis was intrusted with the command of the forces destined for the defence of New York; but as the apprehended attack was not made, he had no opportunity to measure strength with the enemy, or to test the completeness of his preparations for their reception.

But it was not only by his own personal services in the field, that the patriotism of General Lewis was manifested. In the summer of 1812, he advanced upwards of fourteen thousand dollars, from his own private means for the relief of the American prisoners in Canada.

When the contractors for the army were unable to

fulfil their engagements for the want of funds, he loaned them money to enable them to keep the troops properly supplied. In a spirit of generosity becoming a magnanimous soldier, he likewise discounted the drafts of British officers who had been captured by the Americans. At the commencement of the war, the late General Leavenworth raised a company in the county of Delaware, with which he joined the army. Many of its members resided on the patrimonial estate of General Lewis; and as agricultural labor and products had been greatly reduced in that county, by reason of the war, he directed his agent to remit one year's rent for every campaign served by a tenant, or by the son of a tenant living and working with him. Subsequently, for the same reason he remitted to all tenants residing on their farms all arrearages of rent, accruing up to the 1st day of February, 1816. The aggregate of these remissions was upwards of seven thousand dollars. Acts like these speak volumes in favor of the kindness of heart, and the patriotic devotion to the interests of his country, which were such prominent traits in the character of MORGAN LEWIS.

At the close of the war he retired from public life, though he was afterwards frequently elevated by the partiality of his fellow-citizens to places of honor and usefulness. At the celebration of the centennial anniversary of the birthday of Washington, on the 22d of February, 1832, he delivered the oration, at the request of the common council of the city of New

York. In 1835, he was elected president of the New York Historical Society; and at the time of his death he was the presiding officer of the state society of Cincinnati, and the Grand Master of the Masonic Grand Lodge of New York. He rarely participated in political controversies, though always recognized as a member of the republican or democratic party. In the animated contest of 1840 he took a deep interest, and so far deviated from his usual custom, as to preside at a mass meeting held by his friends at Kingston.

Most of his time was spent in the city of New York, where he became a resident, or at his country-seat in Dutchess county. He was quite often among the company at Saratoga during the summer, and delighted to visit the scene of Burgoyne's disasters, and "fight his battles o'er again." There are many who still remember the earnestness with which he used to recount the storied incidents of that hallowed field; and who never failed to forget the privileged garrulity of age, when they saw the fire of past days kindling in his eye, and marked the scintillations of patriotic thought falling from his lips like the flashes of an expiring taper.

He lived to an age far beyond the ordinary allotment of humanity, and died in the city of New York on the 7th day of April, 1844. He was married in the spring of 1779, to Gertrude Livingston, the sister of Robert R. and Edward Livingston. This union was a long and happy one, and was terminated by the death of Mrs. Lewis in the seventy-sixth year of her

age. They had a large family, and many of the descendants are among the most useful and enterprising citizens in the city and state of New York.

Mr. Lewis was not a great man : that is, he did not possess striking characteristics or showy talents ; but his many sterling qualities of heart and mind entitle him to be held in grateful remembrance. To the amenities of the gentleman he united the attainments of a scholar. He was a friend to the unfortunate ; a public benefactor ; kind and amiable in the relations of private life ; and a patriot, *sans peur, et sans reproche*.





DANIEL D TOMPKINS.

Fourth Governor of New York.

Lith. F. Michelin 111 Nassau St.

DANIEL D. TOMPKINS.

WHEN Fortune seemed the most adverse to the success of the American colonies, in their struggle with Great Britain—when their armies had sustained a disastrous, though perhaps not altogether unexpected defeat, on Long Island—when New-York was evacuated by the soldiers of Washington, and her hotels converted into barracks, and her churches into riding-schools and drill-rooms, for the mercenaries of De Heister—when the neighboring counties were overrun by the enemy, who quartered themselves in the houses of those who disdained to take protection of the invader, and despoiled them of the products of their farms and the labor of their hands—when hundreds and thousands of good men and true, who were too faint-hearted to hope, and yet too patriotic to utterly despair, faltered in the cause—there were but three firm and unyielding whigs in the little settlement of Fox Meadows, in the county of Westchester. One of these individuals was Jonathan G. Tompkins, the father of the subject of this memoir.

The family of the elder Tompkins was of English

origin. Daniel D. was his seventh son,* and was born at the residence of his father, in the present town of Scarsdale, on the 21st day of June, 1774. He was a farmer's son; inured to toil from early boyhood; accustomed to use the hoe, and to follow the plough. With a heart as light and happy as that of the lark, to whose matin song he listened, and with the lay of the merry ploughboy upon his lips, he went forth to his wonted labor; and at eventide, when his allotted task was done, he found a sweet relief from fatigue in reading and study. The information thus acquired was limited, but it awakened a desire to become acquainted with the great stores of human knowledge. He did not want ambition, and his friends were naturally anxious that it should be rightly directed. "The boy gave promise of the man." It was his dearest wish to obtain a liberal education, and paternal thrift and industry supplied the means for its acquisition.

After going through the usual course of preparatory study, he entered Columbia College, in the city of New York. Here he was respected and esteemed, not more for the winning manners that rendered him so pleasant a companion, than for his constant and unre-

* It used to be said by the political opponents of Governor Tompkins, when he was running as a candidate, that every old woman in the state who believed in the common superstition with regard to a *seventh* son, exerted her influence in his favor; for, according to their logic, as it must be admitted that he could cure all manner of bodily ailments, it was quite certain that he would find effectual remedies for the diseases of the state.

mitting attention to his studies. His progress was rapid, but sure. Not content with the ordinary routine of a collegiate course, he stored his mind with the rich wealth of ancient and modern lore, and was distinguished among his companions for his extensive reading and general intelligence, while his acquirements as a scholar were held in high respect.

He graduated with honor in the year 1795, and immediately commenced the study of the law. In 1797, he was admitted to the bar, and at once opened an office in the city of New York. Shortly after he entered upon the practice of his profession, he married the daughter of Mangle Minthorne, one of the wealthiest and most respectable citizens of New York. This alliance not only extended his business connections, but increased his influence. He soon became known as a lawyer, and his legal knowledge and talents enabled him to take and maintain a high stand. Thus flattering were his prospects at the outset of his career, and they continued to grow brighter and brighter as he advanced in years.

When he first became a voter, the line between the federal and republican parties was closely drawn. From the first, he identified himself with the latter; and through good report and evil report, through weal and through woe, his fortunes were interwoven with those of his party. In the great contest of 1800 he took an active and decided part, and rejoiced most sincerely over the triumphant election of Mr. Jefferson.

In the month of August, 1801, an election was held throughout the state of New York, for the purpose of choosing delegates to the state convention, called, in pursuance of an act passed the previous winter, for two objects—to reduce and limit the number of members of the legislature, and to declare the true construction of the 23d article of the constitution, relating to the power of appointment. Mr. Tompkins was nominated and elected by the republicans of the city of New York, as a delegate. The convention assembled on the 13th of October, at Albany. It will be recollected, that during the administration of George Clinton, the federal council of appointment claimed the concurrent right of making nominations; and that the same claim was put forth by the republican council, during the administration of John Jay; both these eminent men resisting to the utmost this violent interpretation of the constitution. Consequently, most of the leading members of the convention were committed in favor of the concurrent right; and they only registered the opinion which they had long before advanced, under the influence of high party excitement, when they adopted a resolution, pronouncing their judgment to be, that the right to nominate all officers, other than those directed, in express terms, to be appointed in a different manner, was vested in the governor, “and in each of the members of the council of appointment.”

But little debate took place on the merits of the question, prior to the passage of the resolution.

There was no need of this, because the majority were ready to pronounce their foregone conclusion. Only fourteen members advocated the exclusive right of the governor to make nominations, and voted against the resolution. In the minority was Mr. Tompkins, who was too young to have participated, to any great extent, in the previous controversies, and too honest to sanction a construction so abhorrent to the letter and spirit of the constitution; and consequently, in the convention of 1821, he congratulated himself that, at so youthful an age, and when he was so liable to err, he had resisted this unwarrantable encroachment upon the rights of the executive.*

The session of the convention was of brief duration, and, of course, did not interfere with the professional business of Mr. Tompkins. He had been repeatedly solicited to become a candidate for the state legislature, and had invariably declined the kind offices of his friends in this behalf. But at the April election in 1804, he consented to accept a nomination for congress, as one of the city representatives. He was elected by a large majority, but never took his seat in the house, in consequence of his receiving an appointment equally useful and honorable, and more congenial to his tastes and disposition.

At this same election, Morgan Lewis, the chief justice of the supreme court of the state, was chosen governor. Immediately after his inauguration, in the

* Carter and Stone's Debates in the New York Convention, p. 116.

month of July following, he called the council of appointment together, who promoted Judge Kent to the office of chief justice, and filled the vacancy by the appointment of Daniel D. Tompkins as an associate justice. Thus, at the early age of thirty years, was he elevated to a seat on a bench honored by the wisdom and purity of Jay, the learning of Kent, the genius of Livingston, the clear-headedness and sound judgment of Thompson, and the astute reasoning of Spencer. Compared with these giants of the law, he appeared to no disadvantage. Of talent and learning he had sufficient to grace any position; and his reported opinions, while they do not suffer when placed beside those of his associates, are alike creditable to himself, and to those by whom he was appointed.

But the fitness of his selection was made more strikingly manifest when he came to preside at the circuits. At *Nisi Prius*, he stood pre-eminent. Justice, as personified by him, was no cold, blind, and passionless statue, but a living, animated reality, sympathizing with those who were to feel the effect of its mandates, and happily blending the principles of law and reason with the dictates of mercy and humanity. Well read in his profession, he was quick in perceiving the real merits of a cause, and in comprehending the bearing of testimony. He was, therefore, prompt, and rarely incorrect, in his decisions. If they were favorable to the suitor, they were gratefully remembered; if adverse, his kindness disarmed censure, and ensured respect.

In the short period of three years, during which he occupied a seat on the bench, he acquired a popularity that has never been excelled, if it has even been equalled, by any other judicial officer in our state. The charm of his manners was irresistible. He was at the same time dignified and affable, firm and faithful in the discharge of duty, and yet kind and condescending to all who approached him. He was attentive to the business of the court, but never allowed the austerity of the judge to overshadow and conceal all the finer feelings of the man. Furthermore, his appearance was prepossessing, and there was a fascination in his manners and conversation to which no one could be indifferent.

Once having entered public life, Mr. Tompkins advanced with rapid strides along the high-road to fame. He had scarcely made himself familiar with the routine of his judicial duties, when he was selected by the republican legislative caucus, held on the evening of the 16th of February, 1807, as their candidate for the office of governor. This nomination was doubtless made through the influence of De Witt Clinton and Ambrose Spencer, who were then the acknowledged leaders of the republican party in the state. The Livingston interest, who constituted but a minority of that party, though recognized at Washington as being among the most faithful supporters of the general administration, were represented in New York mainly by Governor

Lewis, who, as has been intimated, was more estimable as a man, than skilful as a politician.

It has often been said, that the object of Messrs. Clinton and Spencer, in bringing forward so young a man as Mr. Tompkins, for the important office of chief magistrate of the state, was, through his popularity, to elevate themselves to power; it being presumed that he would carry out their wishes in the administration of the government. But this supposition is equally unjust to him and to them. He was much too able a man, and if not that, too ambitious, to be controlled by any self-constituted council of advisers; and certainly they could not be ignorant of this. Undoubtedly, as was to have been expected from their position, they hoped to have considerable influence with him, but nothing more; and this was so, in fact, until, as Mr. Tompkins believed, the support of the republican principles which he had ever maintained required him to separate from them.

Governor Lewis was a candidate for re-election, and was supported by his immediate friends, and by the great body of the federal party. The popular manners of Judge Tompkins also secured him many federal votes; and when the result of the canvass was ascertained, it appeared that he had been elected over his competitor, by the respectable majority of four thousand and eighty-five.

On the 1st day of July, 1807, Mr. Tompkins took the oath of office, as governor of the state. His first

speech to the legislature was delivered at the commencement of the annual session, held in Albany, in the winter of 1808.* It was written with marked ability, and reviewed and defended, in a clear and forcible manner, the foreign policy of the administration of President Jefferson, and justified the passage of the Embargo Act. His views were sustained by the legislature, in the answers of the two houses, which were adopted by decided majorities. At the special session, held in November, 1808, and at the regular session commencing in January, 1809, the governor repeated the sentiments that he had previously expressed, in regard to the measures of the general administration, which, in like manner, received the approbation of the legislature.

If the idea that Governor Tompkins could be moulded to subserve their private purposes, if any they had, was ever seriously entertained by De Witt Clinton and Ambrose Spencer, they must have early discovered their mistake. As soon as he became fairly seated in the executive chair, he sought by every means to strengthen himself; and their influence began sensibly to decline. The decision of the convention of 1801 had deprived the governor of the exclusive possession of the official patronage; still, as one of the council, while its members were his friends, his wishes were quite likely to be regarded as much or more than those of any other single individual; and this fact was

* Albany became the seat of government of the state, in 1807.

pretty well known among the applicants for office. The Lewisites were not idle; they were ardent and zealous in their support of the general administration, and at home endeavored to produce a rupture between De Witt Clinton and Governor Tompkins. The latter gave no countenance to these attempts, though he was far from being unwilling to increase the number of his friends, or to profit by their efforts.

When the legislature met, in November, 1807, for the choice of presidential electors, many of the most ultra friends of George Clinton, the vice-president, who believed that Mr. Madison had been unjustly preferred to their favorite by the congressional caucus, desired to nominate such persons as would give him their votes for the higher office, instead of that for which he had been again put in nomination. Mr. Clinton and Mr. Spencer both favored this movement; but Governor Tompkins and others protested against it, and showed the utter folly and uselessness of thus throwing away the votes of the state of New York. The design was therefore abandoned, and electors were chosen without regard to their individual preferences. After the election of Mr. Madison, Governor Tompkins gave the same cordial support and approbation to his measures which he had previously rendered to those of his distinguished predecessor; although, in common with a large proportion of the republican party in New York, and elsewhere throughout the Union, he thought that the tone of the administration, with re-

spect to the foreign relations of the country, was less bold and energetic than was demanded by the exigency of the times.

During the first term of the administration of the government by Governor Tompkins, no very important measures of state policy were either proposed or adopted. Public attention was generally directed to the protracted warfare on the European continent ; to the orders and decrees of the belligerent powers, under the operation of which our commerce was seriously crippled ; to the restrictive policy of the American administration, designed to compel an abandonment of those arbitrary regulations ; and to the negotiations, which had been so long continued that few anticipated a peaceful issue, and many began to hope they would terminate in hostilities.

At the regular legislative session held in the winter of 1810, the governor in his speech again signified his approbation of the course pursued by the general government in regard to the repeated violation of the rights of the United States as a neutral power, by the European belligerents. The restrictive system adopted by Jefferson, and continued by Madison, had been attended with one fortunate consequence. Previous to the passage of the Embargo Act, the foreign commerce of the country had employed a great share of the capital and attention of our citizens ; but now they were obliged to employ their means in developing those internal resources which had hitherto been neglected.

Domestic manufactories sprung up all over the Union, and the question of affording them legislative assistance and protection was now agitated. The governor referred to them in favorable terms, and recommended the subject of their encouragement by legal enactments to the consideration of the legislature. He also called their attention to the common school fund, and suggested the propriety of taking immediate measures to carry the law of 1805 into effect.

At the spring election in 1809, the federalists had elected a majority of the members of assembly, and the answer of that body to the governor's speech did not accord with his views, particularly with reference to the manner in which the foreign affairs of the general government had been conducted. Moreover, the measures which he had recommended received but little notice on their part, inasmuch as most of the time of the session was spent in discussing questions of national policy, with a view to the effect which the debate might have at the approaching gubernatorial election. In the senate, the republicans were in a large majority, but they could do nothing without the co-operation of the other branch of the legislature.

Early in the winter of 1810, the federal members held their caucus, and nominated Jonas Platt as their candidate for governor. Their supremacy in the house, and the treachery of a republican senator, enabled them to secure the council of appointment, and the official guillotine was kept constantly in motion.

It was highly important, therefore, that they should succeed at this election if they wished to retain the offices of which they had taken possession. Their hopes of success were sanguine, but they counted altogether too much on the divisions in the republican party. Whatever may have been the symptoms of dissatisfaction, manifested during the previous year, the necessity of sustaining Mr. Madison's administration was so urgent, that all minor considerations were merged in this more important one. The friends of ex-Governor Lewis, also, were now warmly enlisted in favor of Mr. Madison and Mr. Tompkins. At the republican legislative caucus, held on the 5th of February, 1810, the latter was nominated for re-election without a dissenting voice. John Broome, the lieutenant-governor, was likewise put in nomination. Many citizens were present at the caucus from other parts of the state, who took part in the proceedings, and signed the address which was drawn up by De Witt Clinton, then a member of the senate.

The republican party achieved a brilliant triumph at the election. Almost eighty thousand votes were cast for governor, of which Governor Tompkins received a little over forty-three thousand; thus securing his re-election by a majority of between six and seven thousand votes.* The republicans elected their can-

* Mr. Hammond (Political History, vol. i. p. 285) puts down the majority of Governor Tompkins at ten thousand; but his statement is erroneous.

didates for senators in all the districts, and nearly two to one of the members of assembly.

Peculiarly gratifying as was this expression of approbation on the part of his fellow-citizens to the feelings of Governor Tompkins, the result was yet more satisfactory to him, because it indicated the determination of the people of the state to sustain the general government in the controversy in which it had become entangled with the European powers, and, if need be, to aid it in untying the Gordian knot with the sword.

The principal feature of the governor's speech at the meeting of the new legislature, on the 29th of January, 1811, was a review and examination of the triangular difficulty with Great Britain and France, and a vindication of the course pursued by Mr. Madison in conducting the negotiations with those governments. He once more urged the encouragement and protection of domestic manufactures upon the favorable attention of the legislature, and repeated his suggestions in regard to the common school fund. Action was had upon the last recommendation of the executive, and preparatory measures taken to organize the school system. Five commissioners were authorized to be appointed by the governor, whose duty it should be to report a plan for the organization, at the ensuing session of the legislature. The commissioners made their report in the winter of 1812, and an act was then passed establishing the system.

For several years there had existed a faction in the city

of New York, composed of Lewisites, Burrites, and other disaffected republicans, who were neither few in numbers, nor weak in influence, although the latter was confined to the city. They were known in the political contests of the day as Martling Men, and all their efforts seemed to be directed against De Witt Clinton. Their objections were principally of a personal character, and they boasted loudly of their independence of the dictation of the gentleman who had incurred their displeasure. They were countenanced, however, by many persons holding high offices under the general government, and Mangle Minthorne, the father-in-law of Governor Tompkins, was one of their leading men. It is very doubtful whether the governor himself concurred in their movements, but he was not indifferent to flattery; and when they sounded his praises, he did not inquire into the propriety of coupling with them anathemas of one whom he began to regard as his rival. Naturally, looking upon himself as the leader of the party, and cherishing, it may be, at that time aspirations for still higher honors, he did not regret to see the influence of Mr. Clinton with his republican friends gradually diminishing, partly through the efforts of his enemies, and partly through his own mistakes.

In consequence of the death of Mr. Broome, the lieutenant-governor, in the summer of 1810, a law was passed, authorizing the vacancy to be filled at the annual election in April, 1811. De Witt Clinton was nominated, and elected to the office, in spite of the opposi-

tion of the Martling Men, who supported another candidate in the city of New York, and of the federal party, who also made a nomination. Governor Tompkins took no active part in this contest. It is more than probable that he did not approve of the republican nomination, though he was too rigid a party man to oppose the decision of the caucus. But all these circumstances tended to keep alive and increase his jealousy of Mr. Clinton.

We come now to one of the most important acts of Governor Tompkins, during his administration of the state government—one which called down upon his head the severest censure of those who disapproved of the step, and elicited the warmest encomiums of such as concurred with him in opinion. By the failure of the old United States Bank to obtain a re-charter, at the session of congress in 1810–11, a large amount of its capital was rendered useless. The project was then started, by those who were interested in its re-establishment, of procuring an act of incorporation from the legislature of New York, under which it might, in effect, be continued; and of locating the revived institution, which they proposed to call “The Bank of America,” in the commercial emporium of this state. No sooner had this plan been concocted, than agents were dispatched into the interior counties, to sound the members elect, and, if possible, prepossess them in its favor.

Governor Tompkins was early made acquainted

with these movements, and his speech at the opening of the legislative session, in January, 1812, was principally devoted to an exposition of the evils arising from a redundant paper currency. Although he did not refer, in terms, to the application about to be made, he had it in view in his remarks. He insisted that additional banking capital was not required by the citizens of the state, in the transaction of their business; and not only protested against any considerable increase being made, but intimated, that in his opinion, banks had "already been multiplied to an alarming extent."*

Shortly after the commencement of the session, the petition for the incorporation of the Bank of America was presented in the assembly. As an inducement for granting the charter, the petitioners offered a most splendid bribe—the payment of a bonus of six hundred thousand dollars; four hundred thousand dollars of which were to be added to the common school fund, one hundred thousand dollars to the literature fund, and the remaining one hundred thousand dollars to be paid into the treasury, at the expiration of twenty

* The speech of the governor on this occasion occupied three columns of a newspaper—in those days a mere Lilliputian affair in comparison with the mammoth sheets now issued by the daily and weekly press—and he therefore felt it incumbent upon him to apologize for its "unusual length!" What would he have said could he have lived to witness the annual inflictions, in this age of progress, upon the patience of the American public, in the shape of executive messages, able, it may be, but insufferably prolix, and

"In linked sweetness long drawn out."

years from the date of the act of incorporation, provided no other bank charter should in the meanwhile be granted. It was further proposed to loan one million of dollars to the state, at five per cent. interest, for the construction of canals; and the same amount to farmers, at the usual rate of six per cent. Printed handbills, in which this tempting lure, this gilded bait, was displayed in the most captivating form, were laid upon the desks of members, and placed on the tables at their boarding-houses, and lavishly distributed all over the state.

It cannot excite feelings of gratification, in the bosom of the New Yorker, to contemplate these proceedings; and when he rises from the perusal of this chapter in the history of his state, it must be with a malediction trembling on his lips. His mind at once reverts to the wretched condition of the Roman empire, when the Prætorian cohorts awed both her patricians and plebeians into submission; when public and private faith were hawked about in the forum, and the throne of the Cæsars was filled by the proud Dives, whose gold had more charms, in the eyes of the soldiery, than the imperial purple. The Mississippi scheme and the South Sea bubble—every act of corruption—every betrayal of public confidence and trust—recorded in the legislative annals of the world—will pass in review before him. Emotions of pity and regret, of sorrow and anger, will swell in his bosom, and his language cannot be otherwise than strong and indignant.

All honor to Governor Tompkins that he remonstrated, in eloquent and energetic terms, against the passage of the act incorporating the Bank of America! Judge Spencer, John Tayler, and Elisha Jenkins, all three influential members of the republican party, likewise exerted themselves to defeat it. De Witt Clinton, also, disapproved of the measure, though he could not be induced to come out openly against it, because many of his warmest personal friends were friendly to the bill. The remonstrances of these distinguished men would have been successful, had not the most barefaced bribery, and the most glaring fraud and corruption, been resorted to and practiced by the agents employed to secure the charter. A considerable number of the members of the legislature—good and worthy men, too—were honestly in favor of granting the application; but in order to secure the requisite vote, it was necessary to make pecuniary offers, in some cases to a large amount, to those who could be influenced by such considerations. This was done without scruple: and a majority was thus secured in both houses. The bill passed the assembly, by a vote of fifty-eight to thirty-nine, and was sent to the senate. A vote having been taken in that body, which indicated with certainty what would be the result, it was necessary, at once, to take some bold and decisive step, to save the honor and credit of the state.

Judge Spencer, and other prominent republicans, had repeatedly urged the governor to exercise the au-

thority conferred upon him by the constitution, and to prorogue the legislature. He at first hesitated; but when the long-foreseen emergency had arrived, and it became apparent that the appliances used by the agents of the bank had been but too successful, he felt that his duty was made plain. "We concurred in the opinion," says Judge Spencer, "that a crisis had arrived, when some bold measure was to be taken, to preserve the fountain of all our laws from the impure approaches of bribery and corruption; and that a prorogation, with the reasons which produced it, would awaken public attention to these enormities, and would strike an awe into the actors in these profligate scenes, which would not fail to produce a wholesome and salutary state of things."*

On the 27th of March, 1812, the governor sent his message to the legislature, proroguing the two houses until the 21st day of May then next, and assigning as the reason and justification for the adoption of this extreme measure, that sufficient proof had been furnished to him, that the applicants for the charter had corrupted, or attempted to corrupt, the members of the legislature. This bold step was entirely unexpected; and the reading of the message was followed by a fierce storm of denunciation from those members who were actively enlisted in behalf of the bank. No epithet could be too strong, or too severe, to be hurled against Governor Tompkins. He was called a tyrant and a

* Defence of Judge Spencer, 1843.

usurper; he was charged with reviving a prerogative borrowed from monarchical governments, which had long been a dead letter in the constitution; and there were those who went so far as to declare themselves in favor of continuing the business of the session, notwithstanding the mandate of the governor.

The legislature adjourned, however, in accordance with the message of prorogation. But the passage of the Bank Bill was merely postponed, and not defeated. When the two houses again came together, the senate immediately resumed the consideration of the subject; and although every inch of ground was contested by its opponents, it finally passed, by a vote of seventeen to fourteen. During the recess, petitions had been circulated, which were addressed to the council of appointment, requesting them to appoint two additional judges of the supreme court, as it was ascertained that a majority of the council of revision were friendly to the bill. The avowed object of this movement was to defeat the act of incorporation in the council; but as the proper legal business of the court did not require any additional force on the bench, Governor Tompkins could not be induced to sanction the measure, and no action was had thereupon in the council of appointment.

But although the prorogation of the legislature did not defeat the application for this particular charter, it had the tendency to stem successfully the tide of corruption, that was violently surging over the ramparts

of the law and the constitution. It called the attention of the people to the influences that were poisoning the fountains of public and private virtue. The charges of malconduct subsequently underwent examination in the state courts, and one of the agents of the bank was convicted, and sentenced to the state prison; others were indicted and tried, and only escaped because the witnesses against them, though the testimony was conclusive and generally credited, were the members of the legislature to whom bribes had been offered, and had supported the persons on trial, for important offices, subsequent to the occurrence of the circumstances which they detailed. Yet upon the whole, the action of the governor, and the proceedings in the courts, were attended with the most happy result; for no similar attempt was afterwards made to corrupt the legislature of the state.*

Previous to the final adjournment of this legislature,

* At the session of the legislature in the winter of 1813, the Bank of America applied to be relieved from the payment of the bonus to the state, and asked permission to reduce the amount of their capital. The bait had taken, and as their purpose had been accomplished, they did not care to fulfil the conditions upon which the charter was originally granted. An excuse was ready, however. It was said, as the applicants for the charter probably anticipated, that all the stock could not be taken unless the act was amended so as to relieve the bank from making such heavy payments. In conformity with the application now made, the capital was reduced, and the bonus remitted, with the exception of one hundred thousand dollars, which was to be paid to the common school fund.

De Witt Clinton was nominated for the presidency, at a caucus of the republican members. Governor Tompkins, with many other leading men belonging to the party, was opposed to the movement, and to the choice of Clintonian electors at the special session of the next legislature, held in the fall of 1812. This opposition was based, not so much on personal considerations, although they undoubtedly had some influence with the governor, but mainly on his approbation of the wise and prudent motives which had controlled the policy of Mr. Madison, during his administration. In common with many of the most prominent republicans in the Union, the former had desired to see a little more energy displayed by the national executive; but the passage of the new Embargo Act, in April, 1812, in pursuance of the recommendation of the president, and other proceedings at Washington, assured him that bolder counsels were about to prevail. He thought it unwise, therefore, to divide the republican party, upon a mere question as to men, at such a crisis, and particularly unjust to oppose the re-election of a public officer, whose fidelity to the country no one distrusted, and whose ability no one questioned.

As the electors were then chosen by the legislature, Governor Tompkins, and those who concurred with him in desiring to see Mr. Madison sustained, could do nothing more than express their preferences, which they did not hesitate to do on all suitable occasions: An estrangement had been gradually springing up between

the governor and De Witt Clinton ; and when the former avowed his determination not to place himself in opposition to the republican party in the other states, who were unanimous in favor of the re-election of Mr. Madison, the breach was so far widened that it could never again be healed.

It is unnecessary to say, that when the act declaring war against Great Britain was passed by congress, in June, 1812, it met with a hearty response from Governor Tompkins. His position, as the executive head of the state of New York, was one of great importance. His patriotic devotion to the country was well known ; and all eyes were instantly turned towards him, to mark his conduct. He did not disappoint public expectation. From the beginning to the end of the contest, he stood firm and unflinching in support of strong and decisive measures. The weight of his name and influence, his time and his means, were never withheld. New York, upon her northern and western borders, was the scene of important military operations ; and with the conduct of the war in this quarter of the Union, his name is indissolubly connected.

Immediately after the president issued his proclamation, Governor Tompkins ordered out the militia of the state, and accepted the services of the volunteers. They were organized and equipped, and sent into the field, with all possible expedition. The resources at his control were limited ; but where the law had not clothed him with sufficient power, to protect the state

from invasion, and to render the required assistance to the general government in maintaining the national honor, he exercised it wisely and prudently, yet firmly, without legal warrant, and on his own responsibility. Public opinion justified him in pursuing the course which he did. He relied upon the people to sustain him, and he did not rely in vain. Through his exertions in the summer of 1812, a large militia force was collected on the Niagara frontier under the command of General Van Rensselaer, and considerable bodies of troops were stationed at other exposed points. Through no fault of his, and principally in consequence of disputes and disagreements between the officers of the militia, and those of the regular army, the campaign of 1812 terminated in disaster and disgrace.

Other difficulties were not wanting to increase his embarrassments. The restrictive policy pursued by Jefferson and Madison had weighed heavily upon the eastern and middle states. In New England the federalists were largely predominant, and in New York they presented a powerful opposition. At the April election, in 1812, they secured a majority in the lower branch of the legislature, and at the extra session in November, the governor vainly recommended the adoption of energetic measures for carrying on the contest with Great Britain. The republicans had the control in the senate, and promptly passed such bills as were adapted to the emergency; but in the assembly, the time was spent in fruitless discussions, and

the recommendations of the executive were unheeded.

A similar state of things was witnessed at the regular session in the following winter. Unfortunate as was the issue of the previous campaign, the energy and decision of the governor had not been unproductive of results. The enemy were kept at bay until the general government had time to bring their forces into the field, but a large amount of money was required for the operations of the ensuing year. This was difficult to be obtained. The eastern federalists had exerted themselves, for the most part with success, to prevent capitalists in that section from making the desired loans. In New York a like course was pursued, though not to the same extent. Governor Tompkins therefore, recommended in his speech at the commencement of the session, that a loan should be made by the state to the national government, to enable it to carry on the war. But the federalists still adhered to their position, and when the senate adopted a resolution authorizing a loan to be made, it was defeated by the federal majority in the assembly.

Another general election was to take place in April following, and on the 4th of February, 1813, Governor Tompkins was again nominated for re-election, at the republican legislative caucus, without a dissenting voice. A portion of the members desired that De Witt Clinton should be re-nominated, but his course had not been satisfactory to the party generally, and through

the influence of Ambrose Spencer, and Elisha Jenkins, John Tayler was selected in his stead, as the candidate for lieutenant-governor. The candidates of the opposition were Stephen Van Rensselaer and George Huntington. Both were popular and estimable men; and the fact that the former had commanded the state troops on the Niagara frontier the previous season, was made use of by their friends, when it was necessary, to disprove the charge of opposition to the war.

The federalists, therefore, counted with considerable confidence on their success, especially when the immediate friends of De Witt Clinton came out in opposition to the republican candidates, and denounced them as the tools of President Madison. But they were doomed to experience a sad disappointment. The contest was close, yet Governor Tompkins and Mr. Tayler received about thirty-six hundred majority in a poll of eighty-three thousand votes. The victory was not all on one side, however. Owing to the defection of Mr. Clinton's friends, the federalists again secured a majority in the assembly, while the republicans maintained their ascendancy in the senate.

Notwithstanding this partially unfavorable result, the governor had cause for self-gratulation. Upon his own conduct the people had pronounced a favorable judgment. Inspired, therefore, by the same patriotic motives, which had hitherto influenced his action; and feeling assured that they, to whom alone he was responsible, would sustain him,—he continued to render

all the service in his power in carrying on the war, and keeping the state in a posture of defence ; and no practicable efforts in furtherance of those objects were intermitted on his part. However remiss others might be, he was determined that his duty should not remain unfulfilled. The sneers of the envious he disregarded ; the cavils of those who doubted the propriety of his movements passed him by like the " idle wind ;" and the waves of party clamor were disparded by his firmness and resolution, as the waters of the ocean are broken by the bold promontory that lifts its head in defiance of the storm.

In his speech at the commencement of the session of the legislature in January, 1814, he presented a detailed statement of the events of the war, and recommended the assumption by the state of its quota of the direct tax authorized to be levied by a law of congress. This recommendation, like those of former years, was approved by the senate, but the assembly refused to pass the bill by a strict party vote. Other measures intended to aid the general government in the prosecution of the war, were likewise adopted in the senate, but rejected by the lower house. Collisions between the two branches of legislature were almost of daily occurrence, and the session passed away without accomplishing anything of moment, either for the security of the state or for the assistance of the general government.

At the spring election, the federalists were completely prostrated as a party, and the republicans re-

gained the ascendancy in the assembly. During the summer, rumors of invasion were rife throughout the state; partly founded on conjecture, and partly on reliable information. The neglect of the legislature imposed a double duty on the governor, but he was ready to perform it. He required the militia to meet often for inspection and drill, and urged the officers to perfect the discipline of their men as rapidly as possible. In accordance with his directions, the state troops were so disposed that they might render their aid at any point that might be menaced. A portion of them did good service under General Porter at Chippewa and Niagara, and others were among the foremost in rallying around the standard of Macomb.

The city of New York was in a most exposed condition. Measures had been taken for its defence by the authorities of the United States, and fortifications were being constructed under the direction of General Lewis. But everything was yet incomplete. All summer long an attack was apprehended, and after the capture of Washington, it was confidently believed that the next blow would be struck in this quarter. The alarm was now at its height. Danger was imminent. Party ties were obliterated for the time, and party attachments dispelled. The governor was appealed to by the leading federalists and republicans in the city and its neighborhood, to exert his authority, and if the public safety required him to transgress it, they pledged themselves to stand by him. "Venerable and patri-

otic citizens," said he, "such as Colonel Rutgers, Colonel Willet, Governor Wolcott, Mr. [Rufus] King and others animated me to the greatest efforts; the latter gentleman in an interview with me, was peculiarly impressive—he said 'that the time had arrived when every good citizen was bound to put his all at the requisition of the government—that he was ready to do this; that the people of the state of New York would and must hold me personally responsible for its safety.' I acquainted him with the difficulties under which I had struggled for the two preceding years, the various instances in which I had been compelled to act without law or legislative indemnity, and urged, that if I should once more exert myself to meet all the emergencies and pecuniary difficulties with which we were pressed, I must inevitably ruin myself. 'Well, sir, (added he, with that enthusiasm which genius lends to patriotism,) what is the ruin of an individual compared with the safety of the republic? If you are ruined, you will have the consolation of enjoying the gratitude of your fellow-citizens; but you must trust to the magnanimity and justice of your country, you must transcend the law, you must save this city and state from the danger with which they are menaced, you must ruin yourself if it becomes necessary, and I pledge you my honor that I will support you in whatever you do.'"* Such an appeal, at such a time and under such circumstances, was not to be resisted. Surely, it was

* Letter of Governor Tompkins to Archibald McIntyre.

a noble sight—when the armies of Great Britain, fresh from the laurelled fields of Spain, were menacing our frontier—when her fleets were hovering on our sea-coast, and her predatory bands engaged in the work of plunder and devastation—when the war and its abettors were denounced from the pulpit by the divines of New England—and when treason, or nullification, was plotted at Hartford—to behold the two great leaders of the rival parties in New York standing together, in support of the country, of her honor and her rights, like brother with brother, and patriot with patriot!

Governor Tompkins had promptly issued his proclamation, requiring the new legislature to convene for an extra session on the 26th of September; but the imminence of the danger was such that immediate action was required, and delay might be attended by the most disastrous consequences. He procured money, therefore, on his own personal responsibility, to a considerable amount, and expended it in purchasing supplies for the troops and completing the defences of New York. Large bodies of militia from the river counties were ordered to the city, and in a comparatively short time an army of between ten and fifteen thousand men was concentrated at this point. Of this force Governor Tompkins himself assumed the command, by virtue of a temporary appointment as a major-general in the army of the United States. Happily, however, the British expedition which had succeeded at Washington, but was repulsed at Baltimore,

sailed away to the far south to meet the doom that awaited it on the plains of Chalmette. When this became known, the alarm which had prevailed in New York entirely subsided, and apprehensions of danger were no longer entertained.

In the meantime, President Madison had solicited Governor Tompkins to accept the office of Secretary of State ; it being understood that Mr. Monroe would be permanently transferred to the War Department, which had been placed under his charge upon the resignation of General Armstrong. However much the governor might have been inclined at any other time to accept of an appointment of this character, he could not but feel, in the present condition of affairs, that duty to his native state required him to remain in the position to which he had been elevated by her citizens, and the offer of the president was, therefore, declined.*

* It is said by Mr. Hammond, (*Political History*, vol. i. pp. 390, 391, 405) that the offer of the president to place Governor Tompkins at the head of the State Department, was a commitment, on the part of the administration, to support him for the next president. Now this statement rests entirely on the naked assertion of the writer for support, and it is obviously incorrect. Mr. Madison and Mr. Monroe, it is well known, were rival candidates for the presidency in 1808, but the former was preferred by a large majority of the members of the legislature of Virginia, and by the Congressional Caucus. It was then understood, throughout the Union, that Mr. Monroe was the prominent candidate for the succession. Had the war been protracted, and had it been necessary to adopt the plan of increasing the army by drafts from the whole body of the militia, to which the term conscription was applied, recommended

The New York legislature assembled, in pursuance of the governor's proclamation, on the 26th of September, 1814. His speech was chiefly confined to the war, and the recommendation of various measures for its prosecution. The republican majority in the two houses went to work vigorously, and laws were soon passed, increasing the pay of the militia, when in the service of the United States ; for the encouragement of privateering and authorizing associations for that purpose ; for classifying the militia, so as to secure a force of twelve thousand men, enlisted for two years, to be placed at the disposal of the general government ; for raising a corps of sea fencibles for the defence of the city of New York ; for the reimbursement to the governor, of expenditures made on his own responsibility ; and for completing the fortifications on Staten Island. Other laws, constituting features of more or less importance in the general system of measures, were likewise enacted. Most of the bills thus introduced and carried by the dominant party, were opposed by the federal members.

At the annual session, commencing in the month of January following, further measures were proposed for carrying on the war ; but all were rendered unnecessary by the treaty of peace, intelligence of the conclu-

by Mr. Monroe to Congress in October, 1814, he was determined upon withdrawing from the contest, because he saw that the measure would be unpopular with the people. In that event Mr. Tompkins might have been the favorite candidate, though that is by no means certain.

sion of which was received early in the month of February.

During the continuance of the war, the prosecution of works of internal improvement was wholly out of the question; and the attention of the public was diverted from the canal enterprise by the urgent necessity of providing for the security of their firesides. In 1815, the law authorizing the commissioners to borrow five millions of dollars was repealed; but on the restoration of peace, the friends of the measure renewed their efforts. Governor Tompkins was not averse to the construction of the work, neither was he ardent in advocating it; but he desired to proceed with caution and deliberation, and not to plunge the state headlong into debt, regardless of consequences. He called the notice of the legislature to the subject, in his opening speech at the commencement of the regular session, in January, 1816, and said, that it would rest with them to say, "whether the prospect of connecting the waters of the Hudson with those of the western lakes and of Champlain, [was] not sufficiently important to demand the appropriation of some part of the revenues of the state to its accomplishment, without imposing too great a burden upon [their] constituents. The first route," he remarked, in addition, "being an object common with the states of the west, we may rely on their zealous co-operation in any judicious plan that can perfect the water communication in that direction. As it relates to the connecting the

waters of the Hudson with those of Lake Champlain, we may, with equal confidence, count on the same spirited exertions of the patriotic and enterprising state of Vermont." Petitions in favor of this great project flowed in upon the legislature, during the session, in a continuous stream, and provision was made by law for procuring the necessary surveys and estimates, preparatory to the commencement of the work.

The patriotic course of Governor Tompkins during the second war with Great Britain, and his triumphant election in the spring of 1813, raised him to the zenith of popularity. The "Farmer's Boy of Westchester" was toasted at every gathering of the republican party. His name was coupled with that of Madison, in the public prints, and their mutual praises were sounded from one end of the Union to the other. These tokens of approbation were not unworthily bestowed; none deserved them better, and none could regard them with greater thankfulness. It was natural that the aspirations of the governor should now be directed to other and higher honors. But I can discover no foundation for the assertion or intimation, repeatedly put forth by Mr. Hammond, that he had set his heart on obtaining the nomination for the presidency, in 1816.* Governor Tompkins was not devoid of ordinary prudence as a politician. He well knew that

"High favors like as fig-trees are,
That grow upon the sides of rocks, where they

* Political History, vol. i. pp. 360, 391, 405, et alibi.

Who reach their fruit, adventure must so far
As to hazard their deep downfall."

His hopes were undoubtedly fixed upon the presidential chair; but the desire to reach that high position was an honorable one, and the expectations which he might have indulged were by no means unreasonable. His prospects were highly flattering, and it was only necessary that he should patiently "bide his time." The great mass of the republican party in New York were anxious thus to reward his noble sacrifices and patriotic efforts in the late war, and only wanted but the opportunity to indicate their regard for him. But beyond the limits of the state, he had been known but a short time. He was still a young man; and it is no disparagement to his capacity or his talents to say, that he was not considered a sufficiently mature statesman to render the propriety of his nomination for the presidency obvious to the electors of the Union at large.

Mr. Monroe, on the contrary, who, as has been remarked, was the most prominent candidate, had been before the people ever since the year 1808. He, too, had evinced his patriotism, in the recent contest, by pledging his individual credit to provide the means for the defence of New Orleans. Public opinion, in all sections of the country, had settled firmly down upon his name; and in the summer and fall of 1815, an almost equally general expression had been elicited in favor of the nomination of Mr. Tompkins to the second office. Mr. Crawford was also made one of the presi-

dential candidates, by the politicians who were not particularly friendly to Mr. Monroe; but he himself absolutely refused to co-operate in any way in the movement. The leading republican papers in the state of Georgia, of which he was a resident, came out decidedly in support of Monroe, and her delegation in congress entertained similar preferences, although they could not but vote for Mr. Crawford, when his name was presented to the congressional caucus.

In the month of February, 1816, Governor Tompkins was unanimously nominated by the republican members of the New York legislature, as their candidate for the presidency; and a resolution was adopted, instructing the senators and representatives in congress to use all proper efforts to secure his nomination. The main object of this movement—the opinion of Mr. Hammond to the contrary notwithstanding—at least with those who were sincerely devoted to the governor, was to bring his name before the people, and place him in the line of succession. If any other design was cherished, it must have been on the part of Judge Spencer, who was mainly instrumental in procuring the caucus nomination, and was then the active manager in the republican party; for he was at that time more than suspected of urging forward Governor Tompkins prematurely, in order that the republicans in the southern states might take offence, and treat the proceeding as a sectional and factious one, and that he might be thus completely prostrated, in a political

sense, in an abortive attempt to reach the presidency.

At Washington, the canvass commenced as soon as the session opened. It was early ascertained, by the New York members, that the true question was solely between Mr. Monroe and Mr. Crawford, and that the attempt to nominate Governor Tompkins for the first office must prove an utter failure; yet they likewise discovered, that the nomination for the vice-presidency would be cheerfully bestowed on him. Judge Spencer was then at Washington; and through his means, a meeting of the delegation was held, for the purpose of obtaining a united expression in support of Mr. Crawford, who was really his favorite candidate. Whether he supported him with any ulterior object in view, connected with his own personal advancement, it is unnecessary to inquire; yet it is certain that he was not a very ardent friend to Governor Tompkins, who was a much younger man than himself, and that he would have been glad to have distanced him in the contest for official honors, if he could.

It must be remembered, that a caucus nomination was not then regarded as being absolutely binding; and in connection with this fact, the announcement which was made by Mr. Clay, and other friends of Mr. Monroe, that the name of the latter should not be withdrawn in any event, and that if the caucus decided against him, they would appeal from the politicians to the people, possessed deep significance. It was so

regarded by Peter B. Porter, Enos T. Throop, John W. Taylor, and William Irving, the older and more experienced members of the New York delegation, and they did not think it advisable to hazard the chances of Governor Tompkins' nomination and election to the vice-presidency, and of destroying their influence, it might be, with the next administration, by taking sides, as a delegation, between the two candidates, Mr. Monroe and Mr. Crawford. Their advice was heeded; the meeting broke up, without coming to any determination; and each member was left to vote according to his individual preferences. The caucus was held on the 18th of March; Mr. Monroe was nominated for the presidency, over Mr. Crawford; and Mr. Tompkins was selected as the republican candidate for vice-president—eighty-five votes being given for him on the first ballot, and thirty for Simon Snyder, of Pennsylvania.

While upon this subject, it may be as well, in order to save repetition, to refer to the charge of bad faith, made by Mr. Hammond against Mr. Van Buren, and indirectly and by inuendo against Mr. Throop, whose biographical sketches may be found in this work, in connection with the presidential canvass of 1815-16.* Governor Tompkins had no warmer or truer friends, from the time of his election as governor down to the period of his retirement from public life, than Martin Van Buren and Enos T. Throop. Both regarded him

* Political History, vol. i. p. 409, et seq.

as the future hope of the republican party in New York, and did not wish to see him make a misstep. They were not, like Mr. Hammond, subservient to the views of Judge Spencer; and that will account, without further explanation, for their not committing themselves in the presence of the former, which circumstance, in the case of Mr. Van Buren, seems to have been so very mysterious in his estimation.* The assertion, that the governor thought "unkindly" of the course of the New York members, as Mr. Hammond avers,† is also highly improbable, not to say impossible. Could Mr. Tompkins have been nominated, they would unquestionably have supported him; and if he found fault with their action at all, it must have been because they came so near falling into the trap set for them by Judge Spencer.

Before the result of the congressional caucus was yet known at Albany, it became necessary to select candidates for the gubernatorial election. Mr. Tompkins and Mr. Tayler were again nominated for the respective offices of governor and lieutenant-governor, and succeeded at the April election over their federal competitors, Rufus King and George Tibbits, by nearly seven thousand majority.

Governor Tompkins signified his acceptance of the nomination for the vice-presidency, on the 6th of April, 1816, and in the month of December following was

* Political History, p. 411, note.—Mr. Van Buren was not a member of Congress, but merely a casual visitor at Washington. † Ibid. p. 411.

duly chosen to fill that office. He received one hundred and eighty-three of the two hundred and twenty-one electoral votes; the remainder were divided between different candidates.

Inasmuch as the official term of president and vice-president did not commence until the 4th of March, 1817, Mr. Tompkins continued to discharge the duties of governor until near the close of the month of February previous to that day, when he resigned the office. The administration of the state government now devolved on the lieutenant-governor. By virtue of a special law passed for the purpose, a governor was authorized to be chosen, to supply the vacancy, at the annual election in April. De Witt Clinton was the successful candidate, and took the oath of office on the 1st day of July, 1817.

Almost the last act of Governor Tompkins, as the chief executive officer of the state, was one which deserves ever to be mentioned to his credit. On the 27th of January, 1817, he sent a special message to the legislature, urgently recommending the entire abolition of domestic slavery in the state, to take place on the 4th day of July, 1827. The recommendation was approved, and a law passed in conformity thereto. From that time, this institution had no longer a legal existence in New York.

Mr. Tompkins took the oath of office, as vice-president, on the 4th of March, 1817; and in December, 1820, he was re-elected to the same high office, for an-

other term of four years, by a still larger electoral vote. As the president of the Senate, he displayed the same traits of character for the possession of which he had ever been distinguished—always uniting the polished urbanity of the gentleman with the dignity appropriate to his position.

In the meantime, divisions had sprung up in the republican ranks, in New York, and the governor, De Witt Clinton, had become obnoxious to the majority of the party. His canal policy, however, had made him extremely popular with the people; and it was thought by those who wished to see him superseded, that no one but Mr. Tompkins, who was believed to be invincible, could be elected over him. The republican nomination was therefore tendered to the vice-president, in the spring of 1820, and duly accepted by him. The election was contested with warmth and spirit on both sides; but Mr. Tompkins was defeated by about fifteen hundred majority. One of the causes—perhaps the only one—of this defeat, was the circulation of a most unjust calumny on the fair fame of the republican candidate. During the war of 1812, large sums of money, amounting to several millions of dollars, had passed through his hands, as the agent in making disbursements of the general and state governments; and upon the settlement of his accounts with the state, it appeared that there was a balance against him of about one hundred and twenty thousand dollars, for which he could produce no vouchers. He claimed, however,

that there was a considerable balance due him for commissions. No one dared to charge him openly with an intentional appropriation of the public funds to his own private purposes, but the deficiency was occasioned, partly by his neglect to take proper vouchers, partly by the immethodical manner in which he kept his accounts, and partly by blending the public moneys with his private funds.

So thought the commissioners who investigated his accounts, and who were his political opponents. So thought every candid and impartial man who examined into the subject. So thought the legislature; and a law was passed authorizing him to charge commissions on the money borrowed by him on his own personal responsibility and converted into specie funds, so as to enable him to balance his account. A dispute then arose between him and the comptroller, Archibald McIntyre, in regard to the construction of the law, and an angry correspondence ensued. The political friends of the comptroller were in the majority in the legislature of 1820, and sustained that officer in the view he had taken of the law. The matter was still unsettled, therefore, when the election took place in 1820, and was used, not so much openly as secretly, to the prejudice of the vice-president. At the next session of the legislature, in the winter of 1821, a law was enacted, authorizing his account to be balanced, on his executing a release to the state of his claim for commissions. But this act of reparation came too late.

The blow had been struck, and the victim cowered beneath it. The poisoned dagger was already quivering in his heart. None had the effrontery to charge him publicly with culpable malconduct, but sly malice whispered her insinuations, and slander "filled her mouth with lying words," and uttered them covertly in the dark.

Public honors still awaited him. In the spring of 1821, he was elected a delegate to the convention called to amend the state constitution, from the county of Richmond, and was chosen by a flattering vote, to officiate as president of that body. He participated to some extent in the debates, and especially distinguished himself by his advocacy of universal suffrage. Previous to the final adjournment of the convention, a complimentary vote of thanks was unanimously adopted, and in reply thereto, he delivered the following neat and appropriate speech, in which the chasteness and simple elegance of his style as a speaker and writer are conspicuous:—

"GENTLEMEN: I am penetrated with a due sense, not only of the honor conferred by your selection of me to preside in this highly respectable body—but also of your kindness and regard manifested by the unanimous resolution which you have been pleased to adopt at the close of the solemn duties which the people have committed to us.

"It is my sincere hope that the approbation of this community may crown the result of our consultations, and that it may accomplish the momentous objects for which we have been assembled, and redound to the liberty, tranquillity, and permanent welfare of our constituents and of posterity.

“ Whilst I tender to you an affectionate adieu, indulge me, gentlemen, in a fervent expression of my acknowledgments for your uniform support and approbation, and of my best wishes for your respective happiness and prosperity.”

Subsequent to this period Governor Tompkins took no active part in the politics of the state. He continued to discharge the duties of vice-president until the close of his term, on the 3d day of March, 1825, when he finally retired from public life. After his defeat at the gubernatorial election in 1820, habits of intemperance rapidly grew upon him. Like Othello, his occupation was gone. His cup of disappointment was full to overflowing. His temperament became nervous and irritable. Fits of melancholy and gloom alternated with brief glimpses of the genial sunshine of former years. The light of his eye became vague and unsettled, and the lines of his face deep and care-worn. When he returned from Washington to his residence at Tompkinsville, on Staten Island, the bode of death preceded his footsteps. Disease came on with rapid strides, and on the 11th day of June, 1825, his mortal career was closed, while yet in the full maturity of manhood, but alas! in the decrepitude of his fame.

He left several children. One of his sons entered the army, and another represented, in part, the first senatorial district in the New York senate, during the years 1840 and 1841, in a manner creditable alike to himself and to his constituents.

The personal qualities of Governor Tompkins were

worthy of all praise. His heart was full of kind and generous sentiments. His disposition was frank, manly, and ingenuous. True native nobleness of soul characterized his conduct in all the relations of private life. His kindness and urbanity, his winning address and engaging manners, were commended by every one who approached him. He was often applied to, during the war with Great Britain, by relatives having friends serving with the state troops, for their discharge from the service. Most of these applications were refused; but it was done so kindly and so gently, that the pang of disappointment was soon forgotten, and the heart whose desire could not be gratified, was lightened of half its load.

In illustration of this remarkable trait in his character, Mr. Hammond relates this anecdote: "A respectable farmer residing in one of the interior counties in the state, unfortunately had a son who was convicted of a felony and sentenced to several years' confinement in the state prison. The father had twice called on Governor Tompkins with a petition for the pardon of his son, which had been denied. After Mr. Clinton became the successor of Mr. Tompkins, the old man being acquainted with Mr. Miller and aware of his intimacy with the governor, called on him and solicited his influence in behalf of his son. Mr. Miller, being convinced that it was a case proper for the exercise of the executive clemency, promised to give him his aid, and forthwith called on the governor, and his represen-

tations produced the same convictions on the mind of Mr. Clinton. Mr. Miller, however, in order to turn the act to some political advantage, told the governor that the father of the convict was a man of considerable influence in the place where he lived ; that he (Mr. Miller) would send him to Governor Clinton, and he hoped he would treat him in such a manner as to secure his esteem and friendship; and with this request the governor promised compliance. The old man called at the governor's office, according to the custom of country people, early in the morning, and Mr. Clinton, being informed of his name, went himself to the door, and urged him to come in and breakfast with him. The petitioner did so, and the governor made great efforts to appear agreeable during the repast, and after breakfast delivered to the anxious father an unconditional pardon of his son. He went immediately to Mr. Miller's office, who inquired of him how he had succeeded, and how he liked the governor. 'The governor,' said the old man, 'was so good as to ask me to breakfast, and promptly pardoned my son; but you asked me how I liked him, and I must say that, although I have seen Governor Tompkins but twice, and although at each time he positively refused to grant me the favor I desired, and Governor Clinton has granted me that very favor upon the first time of asking, I like Governor Tompkins better than I like or can like Governor Clinton—I cannot tell the reason why.' ”*

* Political History of New York, vol. ii. p. 271.

Governor Tompkins was not a man of brilliant or showy parts; it cannot be said that he belonged to the higher order of minds; but his talents were decidedly respectable. He possessed a rare facility in adapting himself to any society, and the sturdy and illiterate backwoodsman felt as easy in his présence as the most polished gentleman. He possessed "in a most eminent degree," says Professor Renwick, "the art of ingratiating himself with the people. He had the faculty, which is invaluable to him who seeks for popular honors, of never forgetting the name or face of any person, with whom he once conversed; of becoming acquainted and appearing to take an interest in the concerns of their families; and of securing, by his affability and amiable address, the good opinion of the female sex, who, although possessed of no vote, often exercise a powerful indirect influence."* His personal appearance, too, was in his favor; it was dignified and prepossessing, and his form was above the ordinary height, though somewhat inclined to corpulency, when in the full vigor of perfect health.

Here, perhaps, this memoir should end. It was said of Marlborough, by his most inveterate political opponent, the Earl of Peterborough, after death had terminated their rivalry,—“He was so great a man that I have forgotten his faults.” But there is a duty to be discharged to the living, as well as reverence to be paid

* Life of De Witt Clinton, p. 66.

to the dead. It is not ungenerous or unjust, to point in a becoming manner to the moral presented in the sad termination of the career of Tompkins. It needs no amplification. Great names always render great faults more conspicuous, and an evil example is of far more pernicious tendency, when exhibited in the character of one occupying a high position in society, than in that of a more humble individual.

To such as have felt the snares of the syren—to those that have been beguiled by the soft blandishments of the Delilah who would woo them to their undoing,—this moral may be profitable. Many—ah! how many—yield to habits of indulgence, as the young sapling bends before the breath of the tempest: but few there are who rise again, and, like the noble oak, in the majesty and dignity of conscious strength, bid defiance to the storm and the whirlwind. Many enter the fiery furnace, but few escape unscathed and uninjured. He who would tempt the ordeal—let him pause, ere he makes venture of all that is dear, and listen to the admonition—

“A fiend lurks close behind
The radiance of thy planet—Oh, be warned!”

DE WITT CLINTON.

THE early history and origin of the Clinton family have been so fully detailed in the memoir of George Clinton, that it seems unnecessary to recapitulate the facts there narrated, for the purposes of this sketch.

James Clinton—it will be borne in mind by the reader—was the third surviving son of Charles Clinton, the founder of the family in this country. He was born at Little Britain, the residence of his father, on the 9th of August, 1736. Nature had gifted him with strong and active powers of mind, but associated them with a kind and affectionate disposition. Consequently, while we find him in battle calm and self-possessed, energetic and resolute—when we follow him to the quiet and retirement of private life, we see the gentler virtues of his character, like sweet but humble flowers, shedding their fragrance on every side.

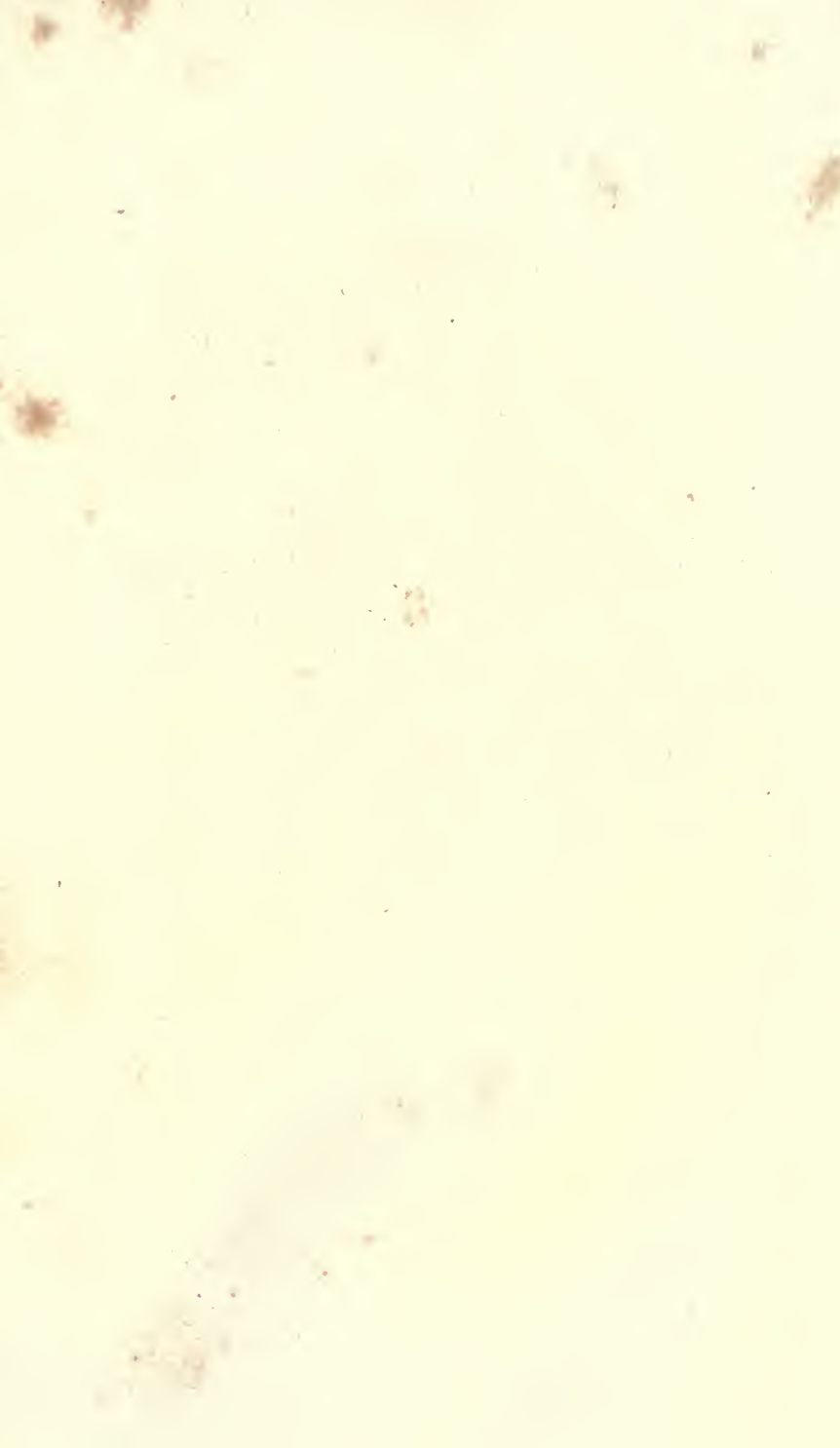
Like his other brothers, he received an excellent education, under the instruction or immediate superintendence of his father. He often assisted the latter in surveying, and early evinced a great predilection for the study of the exact sciences, in which he acquired



DEWITT CLINTON.

Fifth Governor of New York.

Lith. F. Michelin, 177 Nassau St. N.Y.



much proficiency. He was warmly attached to field sports, and manifested in his youth an almost passionate fondness for a military life. "Born," says Mr. Campbell, "upon the frontiers, with a hardy and vigorous constitution, and accustomed to alarms and Indian incursions, he became in early life attached to the profession of arms."* The last French and Indian war afforded him the opportunity of entering a profession in which he subsequently distinguished himself. In 1756, he received an ensign's commission, in the regiment of militia of which his father was made lieutenant-colonel, from Sir Charles Hardy, the governor of the province; and in the following year he was promoted to a lieutenancy. Being authorized to enlist troops, he soon raised a company, of which he was made captain, for active service in the provincial army; and in the summer of 1758, he accompanied the regiment commanded by his father, to which he continued to be attached, in the expedition against Fort Frontenac.

His first campaign was signalized by the successful execution of a bold and difficult enterprise. To his company was intrusted the capture of a sloop of war on the lake (Ontario) which seriously retarded or obstructed the operations of the army under Bradstreet. Embarking with his men in row-boats, he gallantly led them to the attack. A few moments served to place them alongside the enemy's vessel, and after a

* Life and Writings of De Witt Clinton, p. 15.

brief struggle, in which he displayed commendable skill and courage, she fell into his hands.

During the remainder of the war, he was either stationed at the frontier posts, or engaged in border conflicts with the savage allies of the enemy. His services, and his influence, too, were, in the meanwhile, often employed by the colonial governors, in enlisting new recruits. The capture of Quebec, and the subsequent surrender of M. Vaudreuil, at length terminated forever the ascendancy of the French in the Canadas : but the Indians who had been in their pay continued their depredations on the northern and western borders of New York, and the inhabitants of the frontier settlements were kept in a constant state of alarm. Such was the confidence reposed in Clinton by the provincial authorities, that, in 1763, he was empowered to raise a corps of two hundred men, to be designated as "guards of the frontier," over whom he was appointed captain-commandant. In this capacity, his duties were both responsible and arduous—the safety of a line of frontier fifty miles in extent depending entirely upon him and his command.

Quiet was soon restored, however, by the conclusion of the treaty of peace between France and Great Britain, and the provincial army was disbanded. James Clinton now retired to his farm in Little Britain, and shortly afterwards married Mary De Witt, a daughter of Egbert De Witt, and a young lady of great respectability, and of rare personal charms and accom-

plishments. Her ancestors originally came from Holland. She bore her husband four sons;—Alexander, who was for a long time the private secretary of his uncle, the governor; Charles, who studied law and practiced in Orange county; De WITT, the subject of this memoir; and George, who also became a lawyer, and was for five years a representative of this state in Congress.

The soft and gentle influences of domestic tranquillity had no enervating power; the spirit of the soldier still glowed in the bosom of the fond husband and affectionate father; and in his relaxation from sterner cares, he did not lose sight of his responsibilities as a citizen. On the contrary, the new ties which he had formed only furnished additional motives for discharging them aright. In the organization of the militia of Ulster and Orange counties, he took a deep interest, and rose to the rank of lieutenant-colonel. The war of the Revolution found him firm in his opposition to the tyrannical measures of the British ministry, and a fast friend to the colonial cause. Side by side, hand in hand, with his brother George, he entered into the contest. In the summer of 1775, he was appointed colonel of the third regiment of New York troops raised by order of the continental congress. This regiment formed part of the army which invaded Canada, in the fall of that year, under the command of the brave but unfortunate Montgomery; and Colonel Clinton shared with his

comrades in the dangers and disasters, the fatigues and privations, of that memorable campaign.

On the 9th of August, 1776, he was raised to the rank of brigadier-general in the army of the Confederation, and during the greater part of the war commanded the New York line. He was stationed at the posts in the Highlands, in the summer of 1777, and with his brother, then governor of the state, took an active and important part in the gallant though unsuccessful defence of Forts Clinton and Montgomery, on the 6th of October, 1777.* In this affair, he exhibited many proofs of his unflinching and resolute courage. He was the first to counsel resistance, and the last to leave the works. In the assault he was severely wounded by the thrust of a bayonet, and his attending servant was killed at his side. He managed to escape in the confusion incident to the capture of the forts. Under cover of the darkness, and by means of his knowledge of the country, he eluded his pursuers, and reached his house, on the following morning, in a state of complete exhaustion.

In the summer of 1778, the savage bands of Thayendagea, and the infuriated Tories under the command of the Butlers, spread terror and consternation throughout Tryon county. The fierce *sa-sa-kwan* of the Indian warrior was heard upon the banks of the Cobleskill and at Herkimer, and it mingled with the exultant shouts of the white monsters who revelled amid

* See *antè*, p. 43, et seq.

the havoc and slaughter at Cherry Valley and Wyoming.

The attention of Washington and the continental congress was now drawn to the defenceless state of the frontier settlements of New York ; and it was determined to dispatch an army into the Indian country, early in the ensuing year, to put an end to the inroads of the banditti, and lay waste the towns and villages where they rallied, and the fields from which they derived their subsistence. The command of this expedition was assigned to General Sullivan, who proceeded up the valley of the Susquehanna to Tioga Point, with the main body of his troops. At the same time, General Clinton ascended the Mohawk, with about two thousand men, as far as Canajoharie. Leaving the river at this point, he crossed the country to Lake Otsego,—all his boats, two hundred and eight in number, and his stores, being transported with great labor overland for this distance of twenty miles. This task being completed, the division moved down the lake to the outlet, where General Clinton remained several weeks, awaiting further orders from the commander of the expedition.

About the middle of August, the necessary instructions were received, and General Clinton forthwith made his preparations for descending the outlet of the lake to Tioga, at which place he was ordered to unite with the main army. The stream being reduced so low by the heat of the summer that his boats could not

float, he resorted to the singular expedient of damming up the lake ; and when the water had been raised to a sufficient height, he made an opening in the dam, through which the boats passed in gallant style, and descended the river on a spring tide. On the 22d of August he joined General Sullivan at Tioga, and in the morning of the 26th instant, the whole army commenced moving up the valley of the Chemung.

In the engagement at Newtown, and during the march to the Genesee river, General Clinton and his men freely partook of the dangers and shared in the hardships that were encountered. At the close of the campaign he led his division back to the Hudson, and was subsequently assigned to the command at West Point. In the fall of 1780, he was placed in charge of the northern department, and established his headquarters at Albany. Here he remained till the month of August, 1781, when he was ordered to join the commander-in-chief, with the New York troops, in the bold and decisive movement against Lord Cornwallis. He was present at the siege of Yorktown, and after the surrender accompanied the American army to the north. Early in 1782, a junior officer being promoted over him by the continental congress, he resented the indignity thus offered to him in a proper manner, and solicited and obtained leave to withdraw temporarily from the service. His patriotism was much too sincerely cherished, however, to permit him to dissolve his connection with the army, but he held himself in readi-

ness for active duty if the public exigency required. He appeared for the last time in arms on the occasion of the evacuation of New York, having been now promoted to the rank of major-general. This last act in the drama of the Revolution being closed, he took leave of Washington and his compatriots, and retired to his farm at Little Britain.

After the war was ended, General Clinton was frequently called upon to serve his country in a civil capacity. He represented Orange county in the Convention of 1788, called to ratify the constitution of the United States, and, with his brother George, opposed the unconditional adoption of that instrument. He was not a bigoted partisan, though he always acted with the republican party, and, consequently, enjoyed a great share of popularity in his own and in the adjoining counties. He was elected a member of the State Senate from the Middle District, without opposition, and, also, a delegate to the Convention of 1801, from the county of Orange. He was likewise appointed a commissioner to run the boundary line between New York and Pennsylvania; and, at another time, was employed by the state legislature to settle certain controversies in regard to lands in western New York. All these various trusts and duties were discharged with ability and fidelity. Indeed, his whole life was eminently useful, and when it finally terminated, the public lost a benefactor whose memory deserves to be carefully cherished. He survived his brother, the vice-president, but a few

months, and died at his residence in Orange county, "without fear and without reproach," on the 22d of December, 1812.

DE WITT CLINTON was born at Little Britain, on the 2d day of March, 1769. His early life was uncheckered by important incidents. The rudiments of his education were acquired at the grammar school in his native town, and he was afterwards sent to the academy at Kingston, which was the only seminary then in the state, at which the higher classical studies were taught, and all the young men desirous of attaining a collegiate education, resorted thither. Having prepared himself for the junior class of Columbia College, he became a member of that institution in the spring of 1784.

The college had just been revived, under the auspices of the new Board of Regents of the University, and De Witt Clinton was the first student admitted under the new order of things.* "I may say, I trust without the imputation of egotism," he subsequently remarked, "that I was the first student and among the first graduates of this our Alma Mater on its revival; and I shall never forget the reverential impression made on my youthful mind, by the condescension and devotion to education of the great men who, at that time, presided over the interests of the University."†

* The first examination for the admission of students at which the Regents of the University were present, was held on the 17th of May, 1784. † Address to the Alumni of Columbia College, May, 1827.

In college Mr. Clinton was faithful and diligent in his studies. The great truth, which cannot be too often repeated, was early impressed upon his mind, "that application is the price to be paid for mental acquisitions, and that it is as absurd to expect them without it, as to hope for a harvest when we have not sown the seed."* High talents he possessed, indeed, but these never, of themselves alone, achieved true greatness for their possessor. Long years of severe study, of anxious and earnest thought, are required to compass this end ; and though the goal be reached at last, it is possible, still, to lose the reward. The noblest structure of human fame ever reared by the skill and industry of man will not remain self-supported ; but the ceaseless toil that may have aided in its erection, must be followed by ceaseless vigilance in its preservation, or it will full surely pass away "like the baseless fabric of a vision."

From his boyhood to his grave, De Witt Clinton was a careful and laborious student. He wooed Science with the ardor of a lover ; and though she rewarded his devotion with none of her appropriate triumphs, his intellectual character was moulded and strengthened while he ministered at her altar. Poesy numbered him among her votaries ; and though her wreaths of laurel, sprinkled with the dews of Castaly, never glistened on his brows, her spell was breathed upon him, and a matchless charm and grace imparted

* Bailey's Essays on the Formation and Publication of Opinions.

to his manly eloquence. As a painter examines a thousand different models, and from each transfers some striking feature to his canvass, and blends them all together in one harmonious whole ; so he gathered beauties in every department of knowledge, and while he stored his mind with the noble thoughts and precepts of philosophy, culled the richest flowers of song to decorate and adorn it.

He was not merely correct and punctual in going through the routine of his ordinary studies and exercises. Books were his constant companions throughout his whole life. He selected them with great judgment and care,—choosing such only as were really valuable, and leaving those of a different stamp to hasten on, without hindrance or obstruction on his part, to that oblivion for which they were destined. He loved to hold converse with the mighty dead, and was never so happy as when he could summon, like Prospero his attendant spirits, a thousand shapes of thought, types of glorious conceptions, to people the solitude of his study. He read not for amusement alone, but for profit and instruction. His pen was ever in his hand ; his commonplace book lay on the table beside him, and from the entries in the latter, it appears that he read and made extracts from nearly one hundred different works, during the first year of his collegiate course.

He graduated in 1786, at the head of his class, and shortly thereafter commenced the study of the law in the office of Samuel Jones, then a prominent lawyer

and politician in the city of New York, and subsequently comptroller of the state.

In June, 1788, the Convention called to consider the question of ratifying the constitution of the United States, met in Poughkeepsie. "Among the numerous citizens assembled at this most interesting and important Convention, and who watched from day to day the changing phases of thought and opinion, was De Witt Clinton. He was nineteen years of age, and even then, was commanding in person and dignified in manners. The late Chancellor Kent once stated to the writer that he met De Witt Clinton at that time ; and he described his appearance as he recollected it, on that first meeting of two young men, both of whom were destined to fill such large spaces in the history of their native state. The future chancellor had just commenced the practice of the law in the village of Poughkeepsie, in partnership with Gilbert Livingston, who was a member of the Convention, and whose political sympathies were with the Clintons. Mr. Kent was in favor of the constitution, and was a federalist. In such times of political excitement there was not that close and confidential intercourse which might otherwise have existed between two young and highly-gifted men. The visit paid by Mr. Clinton to Mr. Kent was formal, but courteous, and the venerable chancellor at the age of fourscore spoke with animation of the fine personal appearance of the youthful statesman ; he remarked that Mr. Clinton even then had a

hauteur in his manner, which, whether arising from pride or from diffidence he did not pretend to decide, and which in after life was contrasted strongly with the character and bearing of some of his political competitors."*

Young Mr. Clinton took a deep interest in the debates and discussions in the Convention, and communicated a report of the speeches and proceedings for publication in one of the New York journals. Like his father and uncle, although his opinions at that early age can hardly be said to have been well considered and fully matured, he was opposed to the unconditional adoption of the federal constitution; but when the proposed amendments were also adopted, with his relatives, he gave it his hearty assent and support.

Before he had completed his course of legal study, he was solicited by his uncle, George Clinton, to become his private secretary. Alexander, the eldest brother of De Witt, had previously occupied that place, but it was vacated in 1789 by his decease. After some hesitation, the latter consented to fill the office, and continued to discharge its duties till the year 1795, when his uncle retired, temporarily, to private life. The nephew immediately finished his legal studies, was admitted to the bar, and commenced practice in the city of New York.

De Witt Clinton was educated in the republican school to which his venerable uncle belonged, and his

* Campbell's Life and Writings of De Witt Clinton, pp. 27, 28.

political opinions accorded with the instruction which he had there received. This is not only true of his sentiments when he first entered public life, but equally just with reference to his entire career as a politician.

Whatever may have been his associations in later years, he was always a republican in principle. Mr. Hammond, indeed, intimates that his political integrity, in 1795, or about that time, was not, like the virtue of Cæsar's wife, wholly above suspicion, but that some of the leading federalists in the city of New York, Alexander Hamilton among the number, entertained the opinion that he would ultimately become a federalist.* Although this imputation is not supported by any reliable authority, it might be improper to pronounce it an unfounded calumny ; yet, certain it is, that the public life, character, and conduct of De Witt Clinton were utterly inconsistent with it. True, he numbered among his intimate associates the leading men of New York belonging to both political parties. In private life he did not often stop to inquire whether his companion was a republican or a federalist. Whenever or wherever he discovered genius, talent, or learning, his sympathies naturally turned in that direction ; and no differences with respect to a political creed, prevented him from welcoming the fortunate possessor to his heart, and ranking him among his friends. This was the head and front of his offending ; and none but

* Political History, vol. i. p. 109.

a narrow-minded partisan could base a serious charge upon a foundation so unsubstantial.*

Notwithstanding his unquestioned abilities, the manner of Mr. Clinton was not well calculated to fill his office with clients, and he does not appear to have entered much into the practice of his profession. He officiated as secretary to the board of regents of the University, and to the board of fortifications in the city of New York, while there was a prospect of a war with France.

But his position as the private secretary of his uncle had made him acquainted with the leading men in the state, and had excited a desire in his bosom to enter into the political arena. In 1797, he was elected a member of assembly from the city of New York, and in the following year was returned as one of the senators from the southern district; being supported, on both occasions, by the republican party. In the legislature he was active and efficient, and able, as he was decided, in his opposition to the administration of Mr. Jay. In 1801, he was chosen a member of the council of appointment, and, with Ambrose Spencer, and Robert Roseboom—together constituting a ma-

* Just as little reliance is to be placed on the assertion of Mr. Hammond (*Political History*, vol. i. p. 109,) that Mr. Clinton was utterly opposed to the proceedings of Mr. Genet, the French minister. The latter had many warm personal friends in this country; none were more sincerely attached to him than the Clinton family; and his last wife was the first cousin of De Witt Clinton.

jority of the council—resisted the claims of the governor to the exclusive right of nomination. There is a common, but expressive saying, that “politics often make strange bedfellows.” Mr. Clinton, in the ensuing summer, was elected a delegate to the convention called to decide this question, from the county of Kings, in which he then resided, and took the same ground in that body which he had previously maintained in the council.* It must be conceded that his view of the constitution was warranted neither by its letter nor its spirit ; and it is said that he afterwards expressed himself to that effect.

Mr. Clinton continued to be a member of the council after the return of his uncle to the executive chair. As such, he approved of the removal of all the more important officers belonging to the federal party, and the substitution of his political friends in their places. He did not favor persecution or proscription for opinion's sake ; but it was ever a part of his creed, that official honors should be bestowed upon the supporters of the appointing power, and that those who were opposed should be generally excluded therefrom. Whether this principle was right or wrong, correct or incorrect, it was honestly adopted and entertained on his part, and always openly avowed.

While a member of the state senate, in 1802, he offered a resolution, which was adopted, proposing an

* Mr. Clinton made the only speech of importance delivered on that side of the question in the Senate.

amendment to the constitution of the United States, which provided for the division of each state into single districts, each one of which should be entitled to choose an elector of president and vice-president, and for the designation by every voter, on his ballot, of the candidates whom he preferred.

It can scarcely be said that De Witt Clinton served any apprenticeship in a political organization; and to this fact may be attributed the commission of many of those mistakes which checkered his course. When he first entered public life, he took his position in the front rank, as one of the leaders of the republican party. He contributed essentially to "the great triumph of 1800;" and when General Armstrong resigned his seat in the senate of the United States, the general sentiment of the republican members of the legislature was directed towards him as the fit successor of the former incumbent. He was accordingly elected to fill the vacancy on the 4th day of February, 1802, and soon after took his seat in the distinguished body to which he had been transferred. In this new field, which demanded talents of a high order if honor or distinction was desired, he was equally conspicuous. He did not often participate in the discussions that took place; and it was only when subjects of deep importance were being considered, that his mind unlocked her capacious storehouses, and poured forth its eloquent thoughts and enlarged and statesman-like views.

His ablest speech in the senate was made in February, 1803, in the debate on the resolutions of Mr. Ross, a federal senator from Pennsylvania, authorizing and requiring the president to take immediate possession of New Orleans, and empowering him to call out thirty thousand militia to effect that object. This movement was predicated upon the refusal of Spain to permit citizens of the United States to deposit their goods at that place, in accordance with treaty stipulations, and partly, it may be, on the belief that she had ceded Louisiana to France from unfriendly motives towards the American government. The republican friends of Mr. Jefferson regarded this proposition as being designed to embarrass the administration; but, irrespective of that consideration, they opposed it, because it was calculated, in their opinion, to plunge the country unnecessarily, and when she was illy prepared, into a war with Spain.

Mr. Clinton's speech was most able, and he dwelt particularly upon this last consideration, and, collateral thereto, on the advantages and blessings of peace. He deprecated a resort to arms, and depicted the horrors of war in glowing colors. The following extracts are among the brilliant passages to be found in this speech, and to which the colleague of Mr. Clinton,* in a flattering compliment uttered during the same debate, applied the terms "harmonious periods," "musical tones," and "impressive eloquence :"

* Gouverneur Morris.

"I shall not attempt to occupy your attention by threadbare declamation upon the evils of war; by painting the calamities it inflicts upon the happiness of individuals, and the prosperity of nations. This terrible scourge of mankind, worse than famine or pestilence, ought not to be resorted to until every reasonable expedient has been adopted to avert it. When aggressions have been committed by the sovereign or representatives of the will of a nation, negotiation ought in all cases to be first tried, unless the rights of self-defence demand a contrary course. This is the practice of nations, and is enjoined by the unerring monitor which the God of nature has planted in every human bosom. What right have the rulers of nations to unsheath the sword of destruction, and to let loose the demons of desolation upon mankind, whenever caprice or pride, ambition or avarice, shall prescribe? and are there no fixed laws founded in the nature of things which ordain bounds to the fell spirit of revenge, the mad fury of domination, and the insatiable thirst of cupidity? Mankind have, not only in their individual character, but in their collective capacity as nations, recognized and avowed in their opinions and actions, a system of laws calculated to produce the greatest happiness of the greatest number. And it may be safely asserted, that it is a fundamental article of this code, that a nation ought not to go to war until it is evident that the injury committed is highly detrimental, and that it emanated from the will of the nation charged with the aggression, either by an express authorization in the first instance, or by a recognition of it when called upon for redress, and a refusal in both cases to give it. A demand of satisfaction ought to precede an appeal to arms, even when the injury is manifestly the act of the sovereign; and when it is the act of a private individual, it is not imputable to his nation, until its government is called upon to explain and redress, and refuses; because the evils of war are too heavy and serious to be incurred without the most urgent necessity; because remonstrance and negotiation have often recalled an offending nation to a sense of justice, and a performance of right; because nations, like individuals, have their paroxysms of passion, and when reflection and reason resume their dominion, will extend that redress to the olive-branch which their pride will not permit them to grant to the sword; because

a nation is a moral person, and as such is not chargeable with an offence committed by others, or where its will has not been consulted, the authorized conduct of individuals being never considered a just ground of hostility until their sovereign refuses that reparation for which his right of controlling their actions, and of punishing their misconduct, necessarily renders him responsible. These opinions are sanctioned by the most approved elementary writers on the laws of nations.

* * * * *

"A vast augmentation of our national debt would be the certain consequence of this measure. It is a moderate estimate to say, that our annual expenditures, over and above our surplus revenue, would be twenty millions of dollars; and we cannot reasonably expect that the war would continue a shorter period than five years. Hence one hundred millions would be added to our debt, and the great experiment which we are now trying of extinguishing it in fourteen years would certainly fail;—an experiment which has been defeated in Europe, by war and prodigality; and for the success of which, in this country, every friend of republican government looks with the greatest anxiety. But this is not all: heavy and oppressive taxation would be necessary, in order to pay off the interest of the accumulating debt, and to meet the other exigencies of government. We are now a happy nation in this respect. Neither the temper nor the habits of our citizens will patiently submit to severe burdens; and happily, the posture of our financial arrangements does not require them. Give the rein, however, to chimerical notions of war; embrace the proposition now submitted to us; and the weight of your impositions will be felt in every nerve and artery of our political system. Excises, taxes on houses and lands, will be reintroduced, and the evils of former administrations will be multiplied upon us. But the mischief will not stop here: with the increasing calls for money from the people, their means to satisfy them will be diminished. The superior naval force of the enemy would cripple our commerce in every quarter of the globe. Great Britain and Spain hold the keys of the Mediterranean: we should therefore be entirely shut out of that sea, unless we could persuade the former to unite her exertions with ours. With the decay of our commerce, with

our exclusion from foreign markets, the labors of our farmers would be palsied; the skill of our manufacturers would be rendered useless; and with the fruits of their industry perishing on their hands, or greatly undersold, how would they be able to meet the augmented wants of government? What in the meantime would become of the claim of our merchants upon Spain, for at least five millions of dollars? and to what perils would your commercial cities be exposed? These certain evils would be encountered, without producing the least benefit to our western brethren. The seizure of New Orleans would vest us with a place of deposit. But a place of deposit without the free navigation of the Mississippi would be entirely useless. As long as the enemy holds the country below New Orleans, and possesses a superior naval force, so long we will be excluded from the Mississippi. Suppose, however, this obstacle removed; suppose we are enabled to pass into the Gulf, without molestation; is it not necessary for vessels to hug the island of Cuba on their passage to the Atlantic states? and will not this expose them to certain capture, as long as Spain retains that important possession? To secure the great object said to be aimed at by this resolution, and to establish beyond the reach of annoyance, a free communication between the Atlantic and western states, we must seize not only New Orleans, but the Floridas and Cuba; and we must immediately create a formidable navy. It is needless to mention that the Atlantic states are, with few exceptions, the carriers of western produce. Three-fourths of that trade is managed by the merchants of the state I have the honor to represent. I therefore view this measure as pregnant with great mischief to the commerce of Atlantic America, and as a certain exclusion of the western states from market, as long as the war shall continue.

“It is no slight objection in the minds of the sincere friends of republicanism, that this measure will have a tendency to disadjust the balance of our government, by strengthening the hands of the Executive, furnishing him with extensive patronage, investing him with great discretionary powers, and placing under his direction a large standing army. It is the inevitable consequence of war in free countries, that the power which wields the force will rise above the power that ex-

presses the will of the people. The state governments will also receive a severe shock. Those stately pillars, which support the magnificent dome of our national government, will totter under the increased weight of the superincumbent pressure. Nor will the waste of morals, the spirit of cupidity, the thirst of blood, and the general profligacy of manners, which will follow the introduction of this measure, be viewed by the great body of our citizens without the most fearful anxiety and the most heartfelt deprecation. And if there are any persons in this country, and I should regret if there are any such in this house, who think that a public debt is a public blessing, and that heavy taxation is expedient in order to produce industry; who believe that large standing armies are essential to maintain the energy, and that extensive patronage is indispensable to support the dignity, of government; who suppose that frequent wars are necessary to animate the human character, and to call into action the dormant energies of our nature; who have been expelled from authority and power by the indignant voice of an offended country, and who repine and suffer at the great and unexampled prosperity which this country is rapidly attaining under other and better auspices—such men, whoever they are, and wherever they be, will rally round the proposition now before us, and will extol it to the heavens, as the model of the most profound policy, and as the offspring of the most exalted energy.

“If I were called upon to prescribe a course of policy most important for this country to pursue, it would be to avoid European connections and wars. The time must arrive when we will have to contend with some of the great powers of Europe; but let that period be put off as long as possible. It is our interest and our duty to cultivate peace, with sincerity and good faith. As a young nation, pursuing industry in every channel, and adventuring commerce in every sea, it is highly important that we should not only have a pacific character, but that we should really deserve it. If we manifest an unwarrantable ambition, and a rage for conquest, we unite all the great powers of Europe against us. The security of all the European possessions in our vicinity will eternally depend, not upon their strength, but upon our moderation and justice. Look at the Canadas; at the Spanish territo-

ries to the south ; at the British, Spanish, French, Danish, and Dutch West India Islands ; at the vast countries to the west, as far as where the Pacific rolls its waves. Consider well the impression which a manifestation of that spirit will make upon those who would be affected by it. If we are to rush at once into the territory of a neighboring nation, with fire and sword, for the misconduct of a subordinate officer, will not our national character be greatly injured ? Will we not be classed with the robbers and destroyers of mankind ? Will not the nations of Europe perceive in this conduct the germ of a lofty spirit, and an enterprising ambition, which will level them to the earth, when age has matured our strength, and expanded our powers of annoyance—unless they combine to cripple us in our infancy ? May not the consequences be, that we must look out for a naval force to protect our commerce That a close alliance will result. That we will be thrown at once into the ocean of European politics, where every wave that rolls, and every wind that blows, will agitate our bark ? Is this a desirable state of things ? Will the people of this country be seduced into it by all the colorings of rhetoric and all the arts of sophistry ; by vehement appeals to their pride, and artful addresses to their cupidity ? No, sir. Three-fourths of the American people, I assert it boldly and without fear of contradiction, are opposed to this measure. And would you take up arms with a millstone hanging round your neck ? How would you bear up, not only against the force of the enemy, but against the irresistible current of public opinion ? The thing, sir, is impossible ; the measure is worse than madness : it is wicked, beyond the powers of description. * * * * * * *

“If negotiation shall prove successful—and of this I have no doubt—all the evils resulting from war will be averted. If, on the contrary, it shall eventuate unfortunately, and we shall be compelled to face all consequences, and risk all dangers in the maintenance of our national honor and national rights, great and abundant advantages will still result from the pursuit of this course ; and we will be enabled to appeal to the sword, with a full conviction of the justice of our conduct ; with the unanimous suffrage of our country ; and to the perfect satisfaction of the world. In the meantime, we can form some necessary prepara-

tions, and we can ascertain the feelings and bearings of foreign governments. Every day of procrastination will find us better prepared, and will give us more people, more resources, more treasure, more force, with less debt. Our national character will stand high for moderation and justice; our own citizens, and foreign nations, will entertain but one opinion on the subject; and we can then confidently appeal to that great and good Being, who holds in his hands the destiny of nations, to smile upon our cause. But, if in the inscrutable decrees of His providence it is ordained that we must perish, we will at least fall with dignity, and maintain our character when we lose our existence."

Mr. Clinton supported, generally, the measures of Mr. Jefferson's administration,* and was regarded as one of the ablest and most promising, if not the most distinguished champions of the republican party in congress. When he delivered his sentiments on any question, he was listened to with marked deference and respect; there were none of the tricks or devices of the demagogue in his speeches, but his views were elevated and statesmanlike. His career as a senator, however, was soon closed. He remained in the national legislature but two sessions, and resigned his seat in the summer of 1803, in consequence of his receiving the appointment of mayor of the city of New York, as the

* Although Mr. Clinton was very friendly to Mr. Jefferson, it was said by the opponents of the former, (Wood's Exposition of the Clintonian faction, Newark, 1802,) that he was quite cool to Mr. Madison when he first went as a senator to Washington. This was probably true. Mr. Clinton, doubtless, entered into the feelings of his uncle, and identified himself with his interests. It was nothing strange, therefore, if both were jealous of Mr. Madison.

successor of Edward Livingston, then recently appointed United States district attorney for the district of New York.

At that time, the mayoralty was a most dignified position, and it was sought after by men of the most elevated standing and of the highest order of talent. The judicial powers annexed to the office were great, and the emoluments so large as to render it very desirable in a pecuniary point of view. Mr. Clinton accepted the appointment without hesitation, and forthwith entered upon the new duties devolved on him. At first blush, it would seem that this step was a most injudicious one, and that Mr. Hammond has properly censured Mr. Clinton, whom he declares to have then been looking forward to the presidency, for retiring from an arena so well fitted to his talents, and where their display would have secured him the applause of the nation, to take part in the disputes and dissensions of opposing factions in the state of New York. Had he remained at Washington, it is urged, he would soon have become known to the country at large, and obtained an influence and established a character as a statesman, that would have contributed materially to his further advancement.*

Unquestionably, De Witt Clinton was ambitious. Indeed, his desires in this respect—more particularly at a later period in life—might justly be considered as inordinate. Like Wolsey, perhaps,

* Hammond's Political History, vol. i. p. 197, et seq.

“ He was a man
Of an unbounded stomach ;”

yet it is as idle to suppose that he then cherished any presidential aspirations, except with reference to the far-off future, as it is unjust to imply, by such a supposition, that he could have been ungrateful to his venerable uncle, his benefactor and friend. A few words will present this matter in its true light, and show that it was to subserve the political interests of his distinguished relative alone, that he retired from a far more honorable position, and accepted the mayoralty of New York. It was said by the Clintons and their friends, that George Clinton had been defrauded—to use the term which they did not hesitate to employ—of the nomination for the vice-presidency, in 1800, by Aaron Burr. Although they acquiesced in the decision of the congressional caucus, and supported the republican nominees, they were very willing to avail themselves of the course of Mr. Burr, in respect to the contest in the house of representatives, in the winter of 1801, to prejudice his standing in the republican party. George Clinton was avowedly their candidate for the succession to the presidency ; and they desired to elevate him to the position occupied by Mr. Burr, at the next election, in order to accomplish the great object which they had at heart.

Mr. Burr had not then committed those indiscretions which forever alienated from him the affections of the great mass of the republicans in the state and nation ;

and in 1802 and 1803, the state of New York was constantly agitated by the fierce contest between his friends and the Clinton interest—each striving to gain the permanent ascendancy, for the purpose of making an impression at Washington. It was deemed of paramount importance, therefore, that George Clinton should have the voice of his own state, whenever his claims were again pressed; and it was thought to be especially necessary, that the city of New York, which was the centre of the strife and agitation between the Burrites, on the one part, and the Clintons and their friends on the other, should have for its executive head, and highest judicial officer, a person who was entirely devoted to the latter interest. Without disparaging the efforts made in other parts of the Union, it may be said, with justice, that that great emporium was mainly instrumental in the elevation of Thomas Jefferson to the presidency, in 1800. How natural was it, then, that a fast friend of George Clinton should be selected for its chief magistrate;—and who was better adapted, or more likely to be chosen, to fill this important position, than his own nephew, De Witt Clinton? Considerations, such as have been mentioned, may not have influenced him in retaining this office for so many years, at a later period; but it is impossible to doubt, that he was originally influenced by them. And his course, in this respect, so far from indicating any want of shrewdness, as has been said,

when rightly viewed, appears to have been dictated by the most powerful motives of political policy.

Mr. Clinton continued to hold the office of mayor of the city of New York, by annual appointment, till the winter of 1807, when he was removed by the council, consisting of a majority of the friends of Governor Lewis, to whom he was then decidedly opposed. In the meantime, he had been elected to the state senate, in the spring of 1805, by the republicans of the southern district, and was again returned at the April election in 1807. As a member of the legislature, Mr. Clinton was distinguished for the advocacy of all measures designed to promote the welfare of his fellow-citizens in their individual capacities, to further the great interests of science and promote the cause of education, and to develop the resources of the state by the construction of works of internal improvement. He was the author or advocate of almost all the bills of this character which were introduced, or discussed in the senate, while he continued in that body; and during the sessions of 1809, 1810, and 1811, he brought forward laws "to prevent kidnapping or the further introduction of slaves, and to punish those who should treat them inhumanly; for the support of the quarantine establishment; for the encouragement of missionary societies; for the improvement of the public police; for the prevention and punishment of crime; for perfecting the militia system; for promoting medical science, and for endowing seminaries of education."

In the winter of 1806, Mr Clinton was elected a member of the council of appointment. A majority of the other members being his particular friends, and as an irreconcilable feeling of hostility, originating, probably, in mutual jealousy, had sprung up between him and Mr. Lewis, who then occupied the chair of state, at his suggestion a great many of the supporters and adherents of the governor were removed from office. The following year saw the Lewisites all-powerful in the council, and Mr. Clinton, as he must, doubtless, have anticipated, was ousted from the mayoralty of New York, in a very natural, if not justifiable, spirit of retaliation.

Mr. Clinton did not whine like a school-boy over his loss, but determined to carry the war into Africa. He was no friend to half-way measures, and in political warfare adopted the motto—"Expedition is equal to strength." He went to work vigorously, and at the April election in 1807 completely changed the aspect of affairs. Mr. Tompkins, the governor elect, was nominated through his instrumentality, and he was himself triumphantly re-elected as state senator. In February, 1808, a new council was chosen, composed of his friends, by whom he was promptly restored to the office of mayor. In 1810, he was again superseded by a federal council, but in the winter of 1811, he was once more re-appointed.

When the Embargo Act, recommended by Mr. Jefferson, in December, 1807, was first passed, Mr. Clin-

ton was inclined to oppose it; and he officiated as chairman of a public meeting in the city of New York, at which resolutions were adopted disapproving of the law. His first impressions must have taken color, and derived their character, to some considerable extent, from the persons around him,—from the merchants, and those who were engaged in commercial pursuits, in the city of New York, who thought that the measure was calculated seriously to jeopard their interests. Subsequently, he reconsidered his opinion, and acquiesced in the propriety of the embargo. He not only defended the policy pursued by Mr. Jefferson, but at the session of the legislature in 1809, delivered a most violent philippic against the eastern federalists.

We now come to by far the most important feature in the life and career of De Witt Clinton,—his connection with the internal improvements, and more particularly the canal system, of New York. In the winter of 1810, a joint resolution was offered in the New York senate, by Jonas Platt, appointing Gouverneur Morris, De Witt Clinton, Stephen Van Rensselaer, Simeon De Witt, William North, Thomas Eddy, and Peter B. Porter, commissioners to explore the whole route for inland navigation, from the Hudson river to Lake Ontario and Lake Erie. At this session, also, a number of memorials were presented, showing that a great proportion of the internal trade of the state was being diverted to Canada, on account of the natural facilities for water communication afforded in that direction,

and urging the importance of adopting measures to counteract such diversion. Through the representations of Mr. Platt and Mr. Eddy—the latter of whom had suggested the introduction of the resolution before mentioned—De Witt Clinton was induced to turn his attention to the subject of constructing a canal from the Hudson to the lakes; and once having examined it, from that moment he became warmly enlisted in its favor.

The resolution of Mr. Platt was adopted, and in the following summer the commissioners made a careful examination and reconnaissance of the valley of the Mohawk and of western New York. Mr. Clinton kept a journal during his tour, in which he carefully and minutely noted down his observations. This has been recently published by Mr. Campbell, in his *Life and Writings of De Witt Clinton*. It has already an antiquarian value, and no one at least interested in the history of that portion of the state which its author traversed, can be otherwise than interested in its perusal.

Personal examination of the ground, and inspection of the water-courses between the Hudson and the lakes, convinced Mr. Clinton and his associates of the practicability of the projected enterprise. Their conclusions were submitted to the legislature of the state, in a report drawn up by Mr. Morris, and presented at the session of 1811. They estimated the cost of the contemplated work at five millions of dollars, and recom-

mended that its construction should be offered to the general government. The legislature shortly afterwards passed a law, prepared by Mr. Clinton and supported by him and Mr. Platt with great earnestness, authorizing the commissioners appointed at the previous session, with Robert Fulton and Robert R. Livingston, to consider all matters relative to the inland navigation of the state ; to make application to the general government, and to any of the states or territories, for aid or co-operation ; to accept of donations from individuals or companies ; and to ascertain on what terms loans could be obtained, and at what price the rights of the Western Inland Lock Navigation Company could be purchased. De Witt Clinton and Gouverneur Morris were subsequently appointed by the board a sub-committee to visit Washington. They repaired thither, and laid the whole subject before the president, the heads of departments, and the leading and most influential members of congress of both political parties. They failed to obtain any assistance, however, and were not flattered even with the hope of future encouragement. Consequently, they returned home to acquaint the legislature which had appointed them, of their ill-success.

By reason of his partial opposition to the Embargo Act, Mr. Clinton had temporarily lost caste with the republicans of New York ; but his subsequent approval of that measure restored him to favor, and he continued thereafter to be regarded as the great leader and

head of the party. At the legislative caucus, in the winter of 1810, at which Daniel D. Tompkins was nominated for re-election, he was particularly active, and prepared the address, recommending the support of the candidates nominated, which was adopted on that occasion. In the month of August of the same year, the office of lieutenant-governor became vacant, by the death of John Broome, the incumbent; and at the ensuing session of the legislature, a special act was passed, authorizing the vacancy to be filled. Mr. Clinton now had everything in his own way, and he had but to express a wish for a nomination, when it was immediately gratified.

He was nominated with almost entire unanimity, by the republican legislative caucus, as their candidate for lieutenant-governor, and was duly chosen to that office, at the April election in 1811, by a large majority over Nicholas Fish, the opposing federal candidate. In the city of New York, and in some of the adjacent counties, a third ticket, on which was placed the name of Marinus Willett, was supported by the Lewisite opponents of Mr. Clinton; but it received a comparatively small number of votes.

In December, 1811, Mr. Clinton read, before the New York Historical Society, upon their invitation, an address, on the origin, history, and character of the Iroquois, or Six Nations. This is one of the ablest and most elaborate productions that ever emanated from his pen. The whole discourse should be read, in order to

appreciate it as it deserves ; but the subjoined extract may serve to give some idea of its excellence:—

“From the Genesee river to Lewiston, on the Niagara river, there is a remarkable ridge or elevation of land, running almost the whole distance, which is seventy-eight miles, and in a direction from east to west. Its general altitude above the neighboring land is thirty feet, and its width varies considerably : in some places it is not more than forty yards. Its elevation above the level of Lake Ontario is perhaps one hundred and sixty feet, to which it descends by a gradual slope ; and its distance from that water is between six and ten miles. This remarkable strip of land would appear as if intended by nature for the purpose of an easy communication. It is, in fact, a stupendous natural turnpike, descending gently on each side, and covered with gravel ; and but little labor is requisite to make it the best road in the United States. When the forests between it and the lake are cleared, the prospects and scenery which will be afforded from a tour on this route to the cataract of Niagara, will surpass all competition for sublimity and beauty, variety and number.

“There is every reason to believe, that this remarkable ridge was the ancient boundary of this great lake. The gravel with which it is covered was deposited there by the waters ; and the stones everywhere indicate, by their shape, the abrasion and agitation produced by that element. All along the borders of the western rivers and lakes, there are small mounds or heaps of gravel, of a conical form, erected by the fish for the protection of their spawn ; these fish-banks are found in a state that cannot be mistaken, at the foot of the ridge, on the side towards the lake ; on the opposite side none have been discovered. All rivers and streams which enter the lake from the south, have their mouths affected with sand in a peculiar way, from the prevalence and power of the north-westerly winds. The points of the creeks which pass through this ridge, correspond exactly in appearance with the entrance of the streams into the lakes. These facts evince, beyond doubt, that Lake Ontario has, perhaps one or two thousand years ago, receded from this elevated ground. And the cause of this retreat must be as-

cribed to its having enlarged its former outlet, or to its imprisoned waters (aided, probably, by an earthquake,) forcing a passage down the present bed of the St. Lawrence; as the Hudson did at the Highlands, and the Mohawk at the Little Falls. On the south side of this great ridge, its vicinity, and in all directions through this country, the remains of numerous forts are to be seen; but on the north side, that is, on the side toward the lake, not a single one has been discovered, although the whole ground has been carefully explored. Considering the distance to be, say seventy miles in length, and eight in breadth, and that the border of the lake is the very place that would be selected for habitation, and consequently for works of defence, on account of the facilities it would afford for subsistence, for safety, for all domestic accommodations and military purposes; and that on the south shores of Lake Erie these ancient fortresses exist in great number; there can be no doubt but that these works were erected, when this ridge was the southern boundary of Lake Ontario, and, consequently, that their origin must be sought in a very remote age.

"A great part of North America was then inhabited by populous nations, who had made considerable advance in civilization. These numerous works could never have been supplied with provisions, without the aid of agriculture. Nor could they have been constructed without the use of iron or copper; and without a perseverance, labor, and design, which demonstrate considerable progress in the arts of civilized life. A learned writer has said, 'I perceive no reason why the Asiatic North might not be an *officina virorum*, as well as the European. The over-teeming country to the east of the Riphæan mountains, must find it necessary to discharge its inhabitants. The first great wave of people was forced forward by the next to it, more tumid and more powerful than itself: successive and new impulses continually arriving, short rest was given to that which spread over a more eastern tract; disturbed again and again, it covered fresh regions. At length, reaching the farthest limits of the old world, it found a new one, with ample space to occupy, unmolested, for ages.'* After the north of Asia had

* Pennant's Arctic Zoölogy, vol. i. p. 260.

thus exhausted its exuberant population by such a great migration, it would require a very long period of time to produce a co-operation of causes, sufficient to effect another. The first mighty stream of people that flowed into America, must have remained free from external pressure for ages. Availing themselves of this period of tranquillity, they would devote themselves to the arts of peace, make rapid progress in civilization, and acquire an immense population. In course of time, discord and war would rage among them, and compel the establishment of places of security. At last, they became alarmed by the irruption of a horde of barbarians, who rushed like an overwhelming flood from the north of Asia,—

A multitude, like which the populous north
Pour'd never from her frozen loins, to pass
Rhene or the Danaw, when her barb'rous sons
Came like a deluge on the south, and spread
Beneath Gibraltar to the Lybian sands.*

“The great law of self-preservation compelled them to stand on their defence, to resist these ruthless invaders, and to construct numerous and extensive works for protection. And for a long series of years the scale of victory was suspended in doubt, and they firmly withstood the torrent: but like the Romans, in the decline of their empire, they were finally worn down and destroyed by successive inroads and renewed attacks. And the fortifications of which we have treated are the only remaining monuments of these ancient and exterminated nations. This is, perhaps, the airy nothing of imagination, and may be reckoned the extravagant dream of a visionary mind: but may we not, considering the wonderful events of the past and present times, and the inscrutable dispensations of an over-ruling Providence, may we not look forward into futurity, and without departing from the rigid laws of probability, predict the occurrence of similar scenes, at some remote period of time. And, perhaps, in the decrepitude of our empire, some transcendent genius, whose powers of mind shall only be bounded by that impene-

* Milton's *Paradise Lost*, book i. line 351.

trable circle which prescribes the limits of human nature,* may rally the barbarous nations of Asia under the standard of a mighty empire following the track of the Russian colonies and commerce toward the north-west coast, and availing himself of the navigation, arms, and military skill of civilized nations, he may, after subverting the neighboring despotisms of the old world, bend his course toward European America. The destinies of our country may then be decided on the waters of the Missouri, or the banks of Lake Superior. And if Asia shall then revenge upon our posterity the injuries we have inflicted on her sons, a new, a long, and a gloomy night of Gothic darkness will set in upon mankind. And when, after the efflux of ages, the returning effulgence of intellectual light shall again gladden the nations, then the wide-spread ruins of our cloud-capp'd towers, of our solemn temples, and of our magnificent cities, will, like the works of which we have treated, become the subject of curious research and elaborate investigation."

Since the address, from which the foregoing extract is taken, was delivered, the examinations made by Squier, Davis, and others, the geölogical survey of this state, and the learning and philosophical investigation of Schoolcraft and Gallatin, have added a great deal to our stock of knowledge respecting the ancient proprietors of the land which we inhabit; yet ethnology, so far as it concerns the American aborigines even, is still a conjectural science. Many of the speculations of Mr. Clinton have been shown to be erroneous, though others seem to be confirmed by irrefragable testimony; nevertheless, the early history of the country, in great part, remains involved in the mists of obscurity. Here and there are glimpses of sunlight, but

* Roscoe's Lorenzo de Medici, p. 241.

they merely serve to render the surrounding darkness deeper and more palpable.

We now approach the turning point in the political fortunes of Mr. Clinton, the crisis of a career more brilliant in its promise and in its deserts, than in its results; for, viewed in his character as a politician, his nomination for the presidency in opposition to Mr. Madison, was the great error of his life. Though he afterward rose to higher stations than he had yet filled, and enjoyed, at intervals, a much larger share of popular favor; it was rather as a public benefactor, than as the leader of a political party, that he was thus honored, and his popularity was more confined to the state and less national.

As has been seen, the rival families of the Clintons and the Livingstons, for a long time gave character to the politics of New York. Though their contests were not as bloody as those of the Montagues and Capulets, they were often marked, considering the age, by equal virulence and animosity. Both Mr. Jefferson and Mr. Madison, it would seem, were more friendly to the Livingstons than to the Clintons; the former, probably, because of his long intimacy and acquaintance with the chancellor, and the latter, for the reason, that the Clintons were originally ultra anti-federalists, and, as such, had zealously opposed the adoption of the federal constitution, of which he had been justly termed the father. It may well be also, that Mr. Madison was influenced, to some extent, by jealousy of

the popularity of the Clintons in New York—for politicians are no more exempt, perhaps less so, from such feelings, than other men; and that he hoped, by favoring the Livingstons, to keep up the hostility that existed between the two factions of the dominant party in so important a state, and thus his own political fortunes would be made more secure.

Whatever may have been the cause, it is certain that the Clinton family were never very warm in their attachment to Mr. Madison, and after the selection of the latter, in 1808, as the republican candidate for the presidency in preference to George Clinton, the common danger,—for the federalists were still a powerful party,—alone prevented a rupture. When New York came to choose her electors in November of that year, the family and intimate friends of George Clinton desired that such persons should be chosen as would give the vote of the state to him for president; not with a hope of securing his election to that high office, but, more probably, in order to show what was thought to be a proper resentment. Their counsels did not prevail, however, and electors were chosen without regard to their particular preferences, some of whom gave their votes to Mr. Clinton, when they saw it would not affect the general result.

In his appointments to office, Mr. Madison favored the opponents of the Clinton interest, and the breach between them, though yet only of a personal rather than of a political character, gradually became wider

and wider. De Witt Clinton warmly resented the alleged injustice which had been done to his uncle, and openly censured "the Virginia Dynasty," as he termed the confidential friends of Mr. Madison. He, in turn, was attacked by the administration papers in Virginia and at the capital; and when, upon the death of his uncle, his high standing and talents placed him at the head of the faction to which he belonged—a position that he had before practically occupied—his course and conduct were criticised in no friendly manner by the especial favorites and adherents of the president. That he may have given cause for this harshness, is quite probable; he was ardent in his resentments as in his friendships, and he did not stop to select the mildest terms when expressing his feelings of indignation.

The opposition to Mr. Clinton in the republican party, had its origin and centre mainly in the city of New York. Here were a majority of those holding the more prominent offices in the state under the general government, and their influence, from being unfriendly, became decidedly hostile, to him. There were, also, leading republicans in other sections of the state among the warmest of his opponents; yet up to the time of which we are speaking, he, if any one, was the leader and head of the party, and his voice and his wishes were regarded, above all others, in the council of appointment, during the earlier years of Governor Tompkins' administration. Mr. Clinton was unable, indeed, to attach the governor to his interest; but the

latter, though opposed to his nomination as lieutenant-governor, dared not take ground against him. Coinciding in sentiment with Governor Tompkins, though more open in the expression of their hostility, were Morgan Lewis, the late governor, Nathan Sanford, and the Livingston family.

Mr. Clinton himself was not without able friends and supporters. Prominent among them was Judge Spencer, ever since 1798 his "*fidus Achates*," and now intimately connected with him by marriage.* The Judge had considerable of the hauteur of Mr. Clinton, and, like him, was loth to recognize the right of the rank and file of the party to criticise his plans, or to differ with him in opinion; but he possessed far more shrewdness as a politician than his friend, was better schooled in the study of human nature, and easier in his manners and more courteous in his address. He was always a warm friend, but a most bitter enemy; and as he advanced in years, the equability of his temperament was much more easily disturbed. His high talents commanded general respect and admiration, and his ability and impartiality on the bench were commended by every one. At one period, too, he stood second only to De Witt Clinton in the estimation of the republican party of New York, and after the presidential canvass of 1812, up to the year 1816, he was the acknowledged leader of the Madisonian republicans.

Mr. Hammond, in his Political History, has repeat-

* The second wife of Judge Spencer was a sister of De Witt Clinton.

edly charged Judge Spencer with being actuated by improper or corrupt motives, in his course as a politician.* These charges, it is almost needless to say, are both ungenerous and unjust. Judge Spencer was a warm partisan, but few politicians had a higher sense of honor than himself. He was, indeed, intolerant and overbearing, but these feelings were oftener manifested toward those who disagreed with him in his own party than toward his and their political opponents. He could not look with complacency on the young men who claimed, or whose friends claimed for them, an equal standing in the party, and when forced to come in competition with them, he withdrew from the contest. In his retirement he could not forget his disappointments, and his language, when alluding to those who had crossed his purposes, was sometimes as bitter as the venom of the serpent. Aristocratic in his nature, he could not sympathize with the progressivism of the day; and while cautious and far-seeing men regarded its vagaries with regret, he viewed them with abhorrence. Yet, aside from his talents, and the charms of his conversation, enriched as they were with the experience and the acquirements of half a century, he possessed many attractive and kindly qualities; his motives were as honest as those of any of his political cotemporaries, and purity and blamelessness of life were crowning glories in his character.

* Vol. i. pp. 182, 307, 332, et al.—See, also, Defence of Judge Spencer, 1843.

In Judge Spencer, Mr. Clinton found a most efficient coadjutor, and when acting together, they were all-powerful in the state of New York. But the latter had an unusual share of self-confidence, notwithstanding his diffidence of manner; that is, he did not place a very high estimate on the opinions of his friends when conflicting with his own. He was not formed to be led or influenced: if their advice pleased him, it was well enough, but if disagreeable, he was inclined to suspect their fidelity, though there really existed no cause for the suspicion.

De Witt Clinton was no tactician; he knew but little of the strategy of political warfare; and he affected to treat with contempt—and, perhaps, the feeling was often genuine—the efforts of his personal enemies to weaken his influence and undermine his popularity. He underrated equally their importance, and the importance of securing or strengthening his position. The Livingston interest, now represented by Ex-Governor Lewis, and the Martling men, or Madisonian republicans in the city of New York,—at the head of whom was the father-in-law of Governor Tompkins,—were constantly at work to destroy him as a public man; but he seemed for a long time to be indifferent to their movements. While he dispensed the official patronage of the state, this mattered little; but as Governor Tompkins grew stronger in the affections of his party, he began to be regarded more and more as the appointing power, until at length he supplanted

Mr. Clinton almost entirely in this respect. The election of the latter to the office of lieutenant-governor, though it brought him no power, kept him conspicuously before the public, and afforded him the opportunity of mingling and associating with their representatives at the seat of government, without being suspected of having any ulterior designs in contemplation; yet, after all, it did not restore him to the vantage-ground he had once occupied. This was lost when Mr. Tompkins was elected governor; for Mr. Clinton, doubtless, supposed that the former would be willing to consult his interests and to further his aspirations. In this he was mistaken. That gentleman had no sooner been inaugurated, than it became evident he was not the man to be put in leading strings. He at once set up for himself; the influence of the general administration was exerted in his behalf; and it required the most powerful efforts of Mr. Clinton, when fully awakened to a sense of his danger, to maintain himself in anything like a respectable position in regard to popularity.

It will be remembered, that Mr. Clinton was at first opposed to the embargo act. He was not at all inclined to favor the restrictive policy of Jefferson and Madison, and especially for the reason, that it operated with peculiar severity upon the commercial classes in the middle and eastern states. Other prominent and influential republicans—those, too, who enjoyed the confidence of both those eminent statesmen—took the

same ground with Mr. Clinton. But while they were respected for their independence, he was charged, with opposing the administration merely for the sake of opposition. Further reflection convinced him that, harsh and oppressive as was the restrictive policy in some instances, it was absolutely necessary; and in January, 1809, he offered his resolutions in the state senate, approving of the measures of the national administration, and supported them in an able speech.

It has been intimated, that this movement on the part of Mr. Clinton was made in the hope, or with the expectation, that it would bring about the desired *entente cordiale* between him and the friends of Mr. Madison. This is not probable. On the contrary, it must have been his chief object to set himself right with the mass of the party. Among his personal friends were Gouverneur Morris, Stephen Van Rensselaer, and Samuel Jones, all leading federalists. He never took any pains to conceal his intimacy with them, or with others of similar political sentiments, many of whom there were, that he admitted to his friendship; and his enemies predicated upon it the plausible charge, that he was coquetting with the federalists.

But political considerations had very little to do with his private friendships—if anything, too little for his success in public life. He was supported for the presidency, it is true, in 1812, by the federal party, but he never adopted their political creed. No matter who

gave him their votes—what men or what party—he was none the less a republican. As such he lived, and as such he died. It was natural that he should wish to disabuse his republican friends, of the opinions unfavorable to his integrity as a politician, which had been widely spread through the instrumentality of the Martling men. This he attempted to do by his speech and resolutions. In the former, perhaps, he went farther than was necessary, for he attacked the federalists with great asperity. He charged them with plotting the dissolution and overthrow of the Union, with opposing the measures of the administration, both to render it unpopular and the government odious. He averred that, so long as they were unable to wield the power of which they had been deprived, and to control the destinies of the country, they preferred its ruin; and he closed his eloquent, but scorching denunciations, with declaring that, like the apostate angel, they had rather “reign in hell, than serve in heaven.”

The speech of Mr. Clinton drew upon him the fiercest fire of the federal leaders in the legislature, and when once attacked, the sympathies of his own party were generally aroused in his favor. But it seemed as if he could do nothing that would satisfy the leaders of the faction opposed to him. His approbation of the policy of the administration had been declared in the strongest terms; yet that did not content them, and he was charged with being secretly hostile to Mr. Madison. After his frank and decided avowal of his sentiments

in 1809, his friends seemed to gather new courage, and to increase in numbers. In the southern district, where he resided, they were much more numerous than the opposing faction, and in other districts their preponderance was still greater.

But what the Martling men lacked in numbers they made up in zeal. Their attacks were not only not intermitted, but they were continued with even greater earnestness. All throughout the years 1810 and 1811, they were exceedingly active and bitter in their opposition. They did everything that was possible to prevent his nomination for lieutenant-governor, and subsequently labored, though in vain, to defeat his election at the polls. Every act of his was misrepresented, and if he took the pains at any time to avow his motives, for fear of misconstruction, they were sure to be stigmatized as false and deceitful. When he engaged in the canal project, it was said that his only object was popularity, and when he visited Washington, in 1811, to secure the assistance of the general government, it was openly charged that he had gone on an electioneering tour.

Meanwhile, Mr. Clinton was not altogether idle nor indifferent to the movements of his opponents. Sometimes he turned boldly upon them, and poured out his volleys of indignation; but he soon relapsed again into his accustomed indifference; and while buried in the solitude of his study, enjoying those hours of relaxation from worldly cares, which so delighted his heart, his

enemies were constantly upon his track. Calumny always flourishes by what it feeds on; like the gnawing tooth of time, its effects may long remain invisible, but sooner or later, the most spotless reputation will be injured, if not destroyed. Mr. Clinton was not invulnerable. He often invited attack by his overbearing manner, and his untimely denunciations. He lacked caution in speech and in action. He was intolerant and exacting, also, and unnecessarily alienated from himself many friends whose services he needed.

Long before the presidential canvass of 1812, it was said by the enemies of Mr. Clinton that his aspirations were raised to the highest office in the gift of the American people. If such was his ambition, it was no "grievous fault," but in every way worthy of one whose character and talents fitted him to adorn any station. But it is a mistake to suppose, as Mr. Hammond repeatedly intimates in his Political History, that the hopes of Mr. Clinton were so early fixed upon the presidency, except as something that might be attained at a distant day. During the administration of Mr. Jefferson, the efforts of himself and of his friends were directed to the elevation of his uncle to the presidential chair; and these efforts were never intermitted till shortly before the death of the elder Clinton, and when his advanced age, and consequent infirmities, admonished them that his political career, with his life, was rapidly drawing to a close.

It was nothing strange that De Witt Clinton should

have become impressed with the conviction, that the mantle of his beloved and distinguished relative would most appropriately fall upon his shoulders, and that he should inherit the claims of the latter, certainly not altogether unfounded, to the presidential office. But he was yet a very young man, having just passed his fortieth year, and he could have afforded to wait in patience, till the times seemed more favorable for urging those claims. This he would probably have done—for it was surely the dictate of sound policy—but in the exasperated state of his feelings, he remembered only his personal grievances. He stood well before the republicans of the Union, and was the idol of the great majority of the party in his own state. He ought not lightly to have hazarded these advantages. As respected his political fortunes, it was a grave error to distract and divide the party at so momentous a crisis. But he and his friends thought, that the manner in which he had been treated by the confidential adherents of Mr. Madison, released them from all obligation to continue their support of that gentleman; and that they were justified, from personal motives, in opposing his renomination, and attempting to substitute another republican, Mr. Clinton himself, in his place.

In the winter of 1811–12, the friends of Mr. Clinton began first to urge his name seriously in connection with the presidency, and to avow their intentions to substitute him, if possible, for the then incumbent.

The time, and the political condition of the country, did not seem altogether unfavorable. A quite general feeling of dissatisfaction with the foreign policy of the administration pervaded the republican party. It was thought that Mr. Madison was too timid, and lacked energy and decision. The friends of Mr. Clinton took advantage of this feeling, and they pointed to his well-known character for firmness, nerve, and intrepidity, as affording the assurance that he would pursue no temporizing course if he were at the head of affairs. Mr. Ingersoll, a warm and devoted friend of Madison, does full justice to Mr. Clinton in this respect. "If De Witt Clinton," he says, "had superseded Madison, by the presidential election of 1812, it is no disparagement of either to say, that the tone of executive action would have been much more imposing."* Mr. Clinton had none of the constitutional timidity of Madison; he would have cheerfully taken upon himself responsibilities which the other was afraid to assume; he would not have been over fearful of transcending his powers, but in peace or in war, his policy would have been bold, prompt and energetic, and calculated either to command, or to enforce respect.

It was originally the intention of Mr. Clinton's friends to procure a nomination of their favorite for the presidency, at the winter session of the legislature in 1812, and before the Congressional Caucus was held. This was prevented by the agitation of the

* History of the War of 1812, vol. i. p. 69.

question of incorporating the Bank of America. Mr. Clinton himself was opposed to the incorporation, but among its advocates were many of his most zealous friends. Their support was not in some respects very desirable, for it was accompanied with extreme servility and the most fulsome adulation; but he was much too fond of flattery, and, while they sounded his praises, though he did not admit them to his confidence, he shared with them his purse. Not, that he paid them for their flatteries; but as they were mostly men of "battered and bankrupt fortunes," he allowed them the use of his name to procure banking accommodations, and in this way ultimately ruined himself in a pecuniary point of view.

At the session of 1812, this class of men were actively employed in electioneering both for Mr. Clinton and the bank. Many of his friends, among them Judge Spencer and Judge Tayler, urged him to take a decided stand with them against the incorporation. A most excited state of feeling was produced throughout the whole state, and in several counties public meetings were held at which the bank and its advocates were denounced in the strongest language. There were few prominent politicians, but committed themselves positively, either one way or the other. Mr. Clinton, notwithstanding his own convictions were adverse to the incorporation, refused to quarrel with those friends who were in favor of it, and this refusal led to a rupture between himself and Judge Spencer.

It must not be supposed that all the advocates of the bank were friendly to Mr. Clinton. This might readily be inferred from Mr. Hammond's history, but nothing could be more erroneous. The bank had no more steadfast friends than the Livingston family; and Morgan Lewis, and Edward P. Livingston, both members of the Senate, voted in favor of the act of incorporation.

Early in the winter, a private meeting of the friends of Mr. Clinton,—or rather of all the prominent republicans in the state, except the Martling men, now known as the Tammany party,—was held at Albany, to consult upon the propriety of bringing him forward for the presidency. This movement was avowed to be in opposition to Mr. Madison, and it was pretty broadly intimated that their hopes of success were founded, in great part, upon the aid they expected from the federalists. Many of the republicans from the interior were alarmed at this. Ambrose Spencer, Erastus Root, John Tayler, and Enos T. Throop, with Governor Tompkins, earnestly opposed the movement; and those of them who were really anxious to promote the political advancement of Mr. Clinton, entreated that he should not be placed in a position that would forever mar his prospects; for it was certain he could not carry with him the republican party out of New York, and if he failed in that, as he must inevitably fail, their good wishes would be so far alienated from him that they could never be regained. It could

not be disguised, that the whole proceeding was irregular; and it was idle to suppose that a nomination by the republicans in the New York legislature would be followed by a nomination in the Congressional Caucus. Others, who had taken decided ground against the bank, objected, to use the language of a cotemporary of Mr. Clinton, in a letter to the author, that "the body-guard of Clinton was tainted with the odor of the bank." The bank men, on the other hand, who were in favor of his nomination, desired that the charter should first be acted on, in order that they might secure votes for that measure from the more zealous friends of Mr. Clinton, by threatening to oppose him.

There being such a want of harmony at this informal caucus, nothing was immediately done toward procuring a legislative nomination, and in March the session was abruptly terminated, by the prorogation of the legislature for sixty days, by Governor Tompkins. During the vacation, and on the 18th of May, Mr. Madison was unanimously nominated for reëlection, at a caucus of the republican members of Congress. In his last annual message the president had assumed a bolder tone, and recommended that the country should be placed in a condition of defence. Congress had adopted his suggestions, and he had now regained that place in the estimation of the party which he had nearly forfeited by his timidity. Mr. Clinton's adherents alone remained aloof. Gideon Granger, the post-master-general, Obadiah German of the Senate, and

Pierre Van Cortlandt of the House, represented Mr. Clinton at Washington, and they had previously written home to their friends, advising and urging his immediate nomination.

Mr. Clinton needed nothing to heighten the ardor of his ambition, and no suggestions of his more cautious and disinterested friends were listened to, in opposition to the advice received from Washington. His old friend, Judge Spencer, was now estranged from him, and he listened alone to the counsels of the fiery and ambitious spirits by whom he was surrounded. He not only consented that the nomination should be made, but, by his conduct and manner, showed that his heart was fully set upon it; and those republicans who still claimed the right to doubt its propriety, soon found that they had incurred his lasting displeasure.

Mr. Clinton was formally nominated for the presidency at a legislative caucus, held on the 29th of May by the republican members, against the earnest protest, however, of the minority. All the most prominent and leading men in the party in the state were opposed to the nomination; some from personal hostility to Mr. Clinton, and others because they were truly attached to him, and foresaw the ruin of his political prospects. Besides Ex-Governor Lewis, Nathan Sanford, the Livingston family and the Martling men—Governor Tompkins, Judge Spencer, Judge Tayler, Elisha Jenkins, then secretary of state, General Root, and General Porter—all either regretted the movement, or took

ground openly and decidedly against it. Had the electors been chosen at that time by the people, Mr. Clinton would undoubtedly have secured the vote of the state, because the federalists gave him their support; but it is very questionable whether he would have received a majority of the republican suffrages, for those leading members of the party, who, as it was, could do nothing to aid Mr. Madison after the nomination of his opponent, would have been obliged to act, and to bring forward and support an electoral ticket, if they desired to stand well with the republican party of the nation.

There can be little doubt that Mr. Clinton's hopes of success were for a long time of the most sanguine character. But close upon the heels of his nomination, came the war message of Mr. Madison, followed by the declaration; and the disaffection, upon which the friends of the former had counted so much, was forthwith at an end. Out of New York the nomination of Mr. Clinton was still-born; there came no answering response from the republican party else here; and his position now became, clearly, one of mere personal antagonism.

The war was a popular one, and it was the only important question at stake. The whole foreign policy of Jefferson and Madison, which had been, in the main, approved by the republican party, and by Mr. Clinton himself, was on trial. The principal cause of complaint against Mr. Madison had been his want of energy; and now that he manifested so much boldness, it

was impossible for the republicans of the Union to desert him. Mr. Clinton was in a false position. With Gallatin and Pinkney, and other eminent republicans, he thought the declaration of war was premature, while the country was so unprepared for hostilities, and his friends in Congress voted against the act; yet he was satisfied that a war could not be avoided, and when once declared, he was in favor of its continuance till redress was obtained, but, had he been elected president, it would have been prosecuted, probably with more vigor than under the auspices of Mr. Madison.

The federalists alone were opposed to the war. Toward Mr. Madison they felt extremely bitter, and were anxious to prevent his reëlection. A candidate of their own political faith was out of the question; and when they saw a candidate put in nomination by a portion of the republican party, in opposition to the regular nominee, they determined to support him. Mr. Clinton had at no time avowed a change in his sentiments; he never, at any period of his life, advocated federal doctrines; yet any one was better, in their estimation, than Mr. Madison. So he could be defeated, they cared not who was successful. Accordingly, a convention of leading federalists was held in the city of New York, early in September, which continued in session three days. The delegates from New York were not particularly favorable to the support of Mr. Clinton, whose bitter denunciations still rung in their ears. Gouverneur Morris, his warm personal friend,

doubted its expediency ; and Rufus King, who, with his friends, was personally hostile to Mr. Clinton, "pronounced the most impassioned invective against Clinton, and was so excited during his address, that his knees trembled under him." * Theodore Sedgwick of Massachusetts, and Joseph Hopkinson of Pennsylvania, also opposed the nomination of Mr. Clinton. But the majority of the convention, influenced by the eloquence of Harrison Gray Otis, came to a different conclusion, and resolved to support Mr. Clinton, at the same time nominating Jared Ingersoll as their candidate for vice-president.

Mr. Clinton had made no sacrifice of his principles, yet he was now receiving the support of the Essex Junto,—of all the bitterest opponents of Jefferson and Madison,—while the more moderate federalists, such as the Adamses and the Kings, either opposed him openly, or acquiesced, under protest, in the decision of the federal convention. The fact could not be disguised, nor denied, that he had sought the aid of the federalists. For this reason, and because the declaration of war entirely changed the aspect of affairs, many of his old republican friends who had aided in bringing about his nomination by the legislative caucus, or who had assented to it after it was made, thought themselves absolved from all obligation to support him. Judge Spencer and Judge Tayler made an ineffectual effort to procure the withdrawal of Mr. Clinton, but neither he

* Sullivan's Letters on Public Characters, No. lxiv., note.

nor his intimate friends, would listen to any suggestions of that character.

The contest terminated, as every discerning man foresaw it would, in the election of the regular republican candidate. All the New England states, (Vermont excepted,) New York, New Jersey, and Delaware, voted for Mr. Clinton, and he also received five of the eleven votes of Maryland—making, in all, eighty-nine electoral votes. Mr. Madison received one hundred and twenty-eight votes. In the New York legislature, there were nearly thirty Madisonian republicans, headed by General Root, who steadily refused to vote for electors friendly to Mr. Clinton. The federalists had a larger number of members than either of the two republican factions, but the latter, when united, had a majority. The Clintonian republicans finally selected a ticket, which was voted for by a sufficient number of the federal members to render it successful.*

* Judge Spencer, in his Defence against the aspersions of Mr. Hammond, intimates that the election of Rufus King to the U. S. Senate, in 1813, was the *quid pro quo* demanded and received by the federalists, for the support of the Clintonian electoral ticket; and that the "bargain" was consummated through the address of Mr. Van Buren, then a member of the State Senate. This is altogether improbable. Mr. Van Buren was elected as a Clintonian republican, in opposition to Edward P. Livingston, a Madisonian, and of course went with his party friends; and I make no doubt, that Rufus King's friends voted for the federal electoral ticket, which received over forty votes, because that gentleman himself, according to Mr. Sullivan, (*ubi supra*) was very

Such was the result of what Mr. Clinton himself afterward admitted to be the great mistake in his political career. His pretensions to the presidency were not by any means unfounded, and he was honest, no doubt, in supposing that he could serve his country, at this crisis, better than Mr. Madison. But his well-earned fame ought not to have been so unwisely jeopardded. He should have patiently bided his time. The prize was a most tempting one, and he had strong reasons for the belief that the national administration had proscribed him and his friends; yet, notwithstanding this, he should have hesitated. The consequences which his best friends anticipated, were soon witnessed. He lost caste forever with the republican party abroad, and at home, in New York, the prestige of his name was gone. One by one his old friends deserted him, till at length he was left without a party; and when he regained, and added even to his lost popularity, he was no longer the exponent of a political creed.

While events of so much importance, in respect of the future prospects of Mr. Clinton, were transpiring, he was steadily and carefully discharging the duties of the mayoralty. His character as chief magistrate of the city of New York was highly honorable to him. He watched over the interests of the corporation with parental solicitude and care. He was punctual and prompt, and his fellow-citizens ever found him a safe unfriendly to Mr. Clinton, and it is well known they were always personally hostile to each other.

adviser and a firm friend. He took a deep interest in the improvement of the city, and charitable and educational enterprises found in him a patron whose favor was well worth securing. By virtue of his office, he was the presiding judge in the court of general sessions, and, "in my opinion," said the late Richard Riker, "he was one of the safest judges that ever presided in a court of criminal jurisdiction. He was patient, discriminating, master of all the great principles of criminal law, severe when justice required it, but always inclined to the side of mercy.*

Mr. Clinton was a firm friend to the New York Hospital, and he contributed essential aid in procuring the passage of the act founding the Bloomingdale Asylum for the Insane. He was, also, one of the founders of the New York Historical Society, and in 1814 wrote the able memorial to the legislature, which secured the liberal donation of twelve thousand dollars from the state. Mr. Clinton was subsequently president of this society, and at all times one of its most active and useful members.

Twice during the mayoralty of Mr. Clinton, the city was visited by that dreadful pestilence, the yellow fever. His kindness and care for the sick and destitute, his efforts to prevent the spread of the disease, his indefatigable and unceasing labors, and his fearlessness in exposing his person, were topics of universal commendation. The traits in his character thus ex-

* Hosack's Memoir, (Appendix,) p. 186.

hibited shone bright and clear through the dark clouds of political misfortune which had gathered round him, and many a spontaneous tribute of mingled thanks and praises was sent forth in his honor from warm and grateful hearts.

As the time approached for the gubernatorial election in the spring of 1813, the Martling men, or Tammany party, began to exert themselves to prevent the renomination of De Witt Clinton for lieutenant-governor. In this they were successful. The republican party in the state were unanimous in their support of the war, and although Mr. Clinton was himself in favor of prosecuting it vigorously, they well knew that he was obnoxious to the charge of acting with and receiving the support of the federalists. He was no more the pride and hope of the party,—the setting sun had few worshippers. Judge Spencer, Judge Tayler, and Elisha Jenkins, opposed his nomination; Governor Tompkins was unfriendly to him, though being himself a candidate, he could take no active part; and Mr. Van Buren was now lukewarm in his support. At the Caucus, held in February, 1813, Governor Tompkins was unanimously renominated, and the war measures of the national administration were approved without a dissenting voice; but Mr. Clinton received only sixteen votes as the candidate for lieutenant-governor, and Judge Tayler was nominated in his stead.

Shortly after the Caucus, an address was issued, signed by Philip Van Cortlandt, Mr. German, and

thirty-nine other friends of Mr. Clinton, reviewing the late presidential election, attacking the administration of Mr. Madison, charging Governor Tompkins and Judge Tayler with being the mere tools of the national executive, and earnestly protesting against their support. The address was remarkable for its asperity, and was written by Mr. Clinton himself. This circumstance shows how strong and how bitter were his feelings. He could forgive no one who, when professing to be a political friend, refused in aught to follow his wishes and to further his views. The address, however, failed entirely of its object, and the republican candidates were elected by a decided majority.

Mr. Clinton was now at the head of but a small personal party, the only bond of union between whose members was devotion to his person. He had no affection for the doctrines of the federal party, and a union with them was impossible, even were it not impolitic, since they were upon the point of disbanding. Toward both the state and national administrations he was hostile,—not hostile because he was opposed to their measures, or to their principles as connected with their policy, but personally hostile.

While the war was in progress, Mr. Clinton did not withhold his services from the country. He exerted all his influence in aiding to procure the loans desired by the government, and was very active in providing for the defence of the seacoast, and particularly of the city of New York, of which he was then mayor. Both

by precept and example, he sought to uphold the honor of the nation. Having been appointed a major-general of militia, he proposed, through a friend, in the summer of 1814, to Governor Tompkins, to be called into active service. The governor was probably jealous of Mr. Clinton, and fearful lest he might recover the ground he had lost, if a military command should afford him the opportunity to distinguish himself. He objected, therefore, in reply to the suggestion, that Mr. Clinton was so recently commissioned, if he should be preferred over older generals, it would give offence. But Mr. Clinton's popularity in the city was so great and the people had such confidence in his capacity, that Governor Tompkins finally agreed that he should be employed as he solicited, provided the city was attacked.

The Tammany men were not yet satisfied. They insisted upon the removal of Mr. Clinton from the office of mayor. Personally, nothing could be more unjust, since no one denied that he had discharged his duties ably and faithfully; but there were political reasons in favor of the removal, sufficiently powerful to sway any set of politicians. The office was an important one, and the influence wielded by the incumbent was considerable. The star of Governor Tompkins was now in the ascendant; he was idolized by the republicans of New York, and was looking forward to a nomination for the presidency in 1816. It was necessary, therefore, as he thought, that the office should be

filled by some one friendly to himself. Judge Spencer also desired the removal to take place, as he was operating to secure the succession for General Armstrong.

In January, 1815, a republican council was chosen, and after some little delay, occasioned by the scruples of one of the members, Mr. Clinton was removed. Although not entirely unexpected, this was a severe blow to him. Careless in pecuniary matters, and generous to a fault in assisting his friends, he had become insolvent for many thousands of dollars, and depended upon the salary and perquisites of his office for the means of support for himself and his family. "Genuine greatness," said he on another occasion, "never appears in a more resplendent light, or in a more sublime attitude, than in that buoyancy of character which rises superior to danger and difficulty."* His prospects appeared to be blasted forever; but the very severity of the blow proved his salvation. It was something worthy of a mighty mind to struggle against adversity in so dark an hour. It was not in his nature to cower before the storm that howled so fiercely around him. He preserved his firmness and his dignity; like Cæsar, in the frail bark that bore him and his fortunes, relying upon himself, upon his irrepressible energies and his unconquerable will.

Throughout his life Mr. Clinton was a great favorite with the Irish adopted citizens of New York. The public generally sympathized with him on his removal,

* Memorial of the N. Y. Historical Society, 1814.

but they gave utterance to their feelings in words. He was addressed on their behalf by Thomas Addis Emmett and Dr. William J. Macneven, who assured him of the continued regard of his friends, and that they preferred the moment of his retreat from office, for the expression of their deep sense of his "manifold and important services to the public." The reply of Mr. Clinton was well suited to the occasion; it was deeply affecting, and replete with feeling and eloquence.

In his retirement, Mr. Clinton spent most of his time in literary studies and pursuits. The subject of opening a canal navigation between the lakes and the Hudson river also engaged his attention, and occupied the greater share of his thoughts. He was now thoroughly enlisted in favor of this important enterprise, and by means of public addresses, by his correspondence, and by personal interviews with prominent politicians and influential business men, sought to create an interest in it that might insure its speedy completion. From some he received encouragement—from others only a doubting shake of the head, or a cold shrug of the shoulders. Mr. Jefferson, with all his practical foresight, doubted whether the project was then feasible, and said that it was a century in advance of the age.* Many of the earlier friends of the measure became discouraged, but Mr. Clinton steadily per-

* After the completion of the Erie Canal, Mr. Jefferson wrote to Mr. Clinton, congratulating him on the success of the enterprise, and saying that his prediction was a century too late.

severed to the end, amid obloquy and abuse. He staked his reputation for sagacity, his character as a statesman—but staked them not in vain. The hour of his triumph came at last, and brought with it the full realization of his fondest hopes.

While the war continued, all efforts in furtherance of the project were necessarily suspended; but they were promptly renewed, on his part, after the termination of hostilities. Shortly before the meeting of the legislature in January, 1816, a large meeting, composed of the most respectable and influential citizens, was held in the city of New York, at the instance of De Witt Clinton, Thomas Eddy, and Jonas Platt, at which a memorial, drawn up by Mr. Clinton with more than his usual ability, in favor of the construction of the Erie and Champlain canals, was adopted with great enthusiasm and unanimity. This memorial was presented by him to the legislature, and he remained at Albany during the greater part of the session, zealously engaged in urging upon the attention of members the manifold considerations in support of the proposed measure that had suggested themselves to his mind.

The question as to whom belongs the chief merit of originating this great enterprise, has been often discussed, and it is not proposed to renew the discussion here.* There have been many claimants, but it is

* See Hosack's Memoir, (Appendix,) p. 245, et seq; Watson's History of the Rise and Progress of the Western Canals; Yates' History of the New York Canals; Canal Policy of New York, by Tacitus (De

very doubtful whether any one individual is justly entitled to the honor. The idea of connecting the lakes with the Hudson river by canals, and the removal of obstructions in the intermediate streams, was not a new one. It was familiar to the public men of New York at an early day. In the report of Governor Tryon on the state of the province, made in 1774, it is distinctly stated that "a most effective inland navigation" might be opened, between the Hudson and Lakes Ontario and Champlain, by way of the Mohawk and the main branch of the river; "a short cut" being made from Wood Creek to the Mohawk, the rifts removed, and the necessary locks constructed.* In 1784, Christopher Colles made his proposals to the New York legislature for the improvement of the navigation of the Mohawk; and in 1786, Jeffrey Smith, a member of that body, asked leave to introduce a bill for improving the navigation of the Mohawk, and for extending the same, if practicable, to Lake Erie. Previous to this time, and as early as the year 1777, Gouverneur Morris had conceived the project of "tapping Lake Erie," but he proposed to do this by way of Oswego and Lake Ontario.† Cadwallader Colden, General Washington, George Clinton, General Schuyler, Elkanah Watson, and other eminent men, likewise came to the conclusion, from Witt Clinton); *Facts and Observations, in relation to the origin and completion of the Erie Canal*; *Life of Thomas Eddy*; *Renwick's Life of Clinton*; and *Turner's History of the Holland Purchase*.

* *Documentary History of New York*, vol. i. p. 751.

† *Facts and Observations, etc.*

their knowledge of the country, that an important system of inland navigation might easily be constructed in the manner which had been suggested. An overland navigable canal between the Hudson and Lake Erie was first conceived by Jesse Hawley, of Ontario County, in 1805, who published the first essay upon the subject, in the *Pittsburg Commonwealth*, in January, 1807, and afterward wrote several articles which appeared in the *Ontario Messenger*, over the signature of Hercules.* In 1808, the same idea suggested itself to Joshua Forman, then a member of the New York Assembly, and he introduced some resolutions providing for a survey of the proposed route.

It has been sometimes said by the more zealous friends of Mr. Clinton, who were not familiar with the history of the New York canals, that he was their originator or projector. This was not so. Yet his claims to the gratitude of the people of New York are as enduring as her glory and prosperity. He found the project crude and ill-formed; he gave it shape and substance, life and animation. When the scheme was first suggested to him, he was able to judge of its practical value, from his knowledge of the resources and topography of the interior of the state, derived from his father and uncle; and in his tour in 1810, he satisfied himself upon this point, by personal observation. Having once formed his opinions, he entered heart and

* Hosack's Memoir, (Appendix,) p. 306; Canal Policy of New York; and Turner's History, pp. 628, 666.

soul into the enterprise from which he rightly predicted such incalculable benefits were to flow. He did not wait for Hercules, but put his own shoulder to the wheel. He was emphatically the master-spirit, not in the projection, but in the execution of those great works which still trumpet forth his praises. He, more than all others, gave that impetus to the project which carried it successfully forward,—he was truly the father of the canal system of New York.

His memorial was circulated far and wide throughout the state. It attracted attention everywhere. Its author was looked upon as the leader in the canal movement, and those who were earlier enlisted in the cause than himself, were content to follow under his guidance. Action, spirit, enterprise, determination, perseverance, genius, had long been needed,—and all were furnished in his own person. He directed and controlled everything. He prepared plans and estimates. He pointed out the how and the where; from whence the means could be procured; and the immense advantages of the policy he advocated. He had, probably, too much of enthusiasm on the subject, and had it not been that his ardor was restrained by the greater caution and prudence of Samuel Young and Martin Van Buren, the state might have been plunged headlong into debt. Be this as it may,—had he not possessed just so much enthusiasm, it is more than likely that the first prediction of Mr. Jefferson

would have been verified, and he would have been "a century in advance of the age."

And how splendid were the results of his efforts? They are scattered over the length and breadth of the land,—not transient, but ever-enduring, ever-increasing. Towns have sprung up in a night, like the gourd of the prophet. Deserts have been transformed to fields and cities.

" And the old wilderness is changed
To cultured vale and hill—
And the circuit of its mountains
An empire's numbers fill."

Daily and hourly the humblest citizen of our state has occasion to rejoice. Vast stores of wealth—the fruits of successful commerce—have been accumulated, which, had it not been for the construction of the canals of New York, would never have found a place in her coffers. And where the end is to be, no man can yet say; for the wildest fancy of to-day seems to become matter of history to-morrow.

The memorial of Mr. Clinton was presented on the 21st of February, 1816, and was soon followed by others of a like character. The popular feeling was aroused, and it could not be resisted. The Assembly, therefore, passed a bill, providing for the immediate commencement of the Erie and Champlain Canals; but it was amended in the Senate, on motion of Mr. Van Buren, so as to authorize the appointment of five

canal commissioners, whose duty it should be to make the necessary preliminary surveys and estimates of expense, and to ascertain the practicability of making loans on the credit of the state. Great doubts were still entertained in regard to the financial practicability of the scheme, and after some considerable discussion the bill, as amended in the Senate, became a law. Stephen Van Rensselaer, De Witt Clinton, Samuel Young, Joseph Ellicott, and Myron Holley, were the commissioners appointed by the act.

In February, 1817, the reports of the canal commissioners were presented. They were ably written, and proceeded, in whole or in part, from the pen of Mr. Clinton. Considerable opposition was manifested, on the part of some of the more bitter and zealous opponents of Mr. Clinton, to the passage of any act positively committing the state to the construction of the proposed canals. Weeks were spent in the discussion of the bill introduced in pursuance of the recommendation of the commissioners. Mr. Clinton's influence was still needed. He had secured for the measure the favor and approbation of the people, and now the co-operation of the legislature was alone required to insure its success. Some of the anti-Clintonian members stoutly refused to vote for the bill, but Mr. Van Buren came to the rescue, and prevailed upon a number of his friends to unite with him in its support. The votes thus gained proved sufficient. On the 10th day of April, 1817, the Assembly passed the act authorizing

the construction of the canals to be commenced, by a vote of sixty-four to thirty-six, and on the 15th instant it was sustained in the Senate by a vote of eighteen to nine. The hour of Mr. Clinton's triumph had at length come; and thenceforth, though no more, strictly speaking, the leader of the republican party, till the day of his death, with the exception of a brief interval pending the discussion of the project for a constitutional convention, he was the favorite of the people of New York.

Early in the year 1816, a reconciliation was effected between Mr. Clinton and Judge Spencer; and it was then thought, that all the republicans in the state would reunite under their old leaders. But Governor Tompkins, Mr. Van Buren, General Porter, Colonel Young, Erastus Root, the Livingstons and their friends,—indeed, all the prominent men in the party,—refused to go with Judge Spencer, and he was left to fight the battles of Mr. Clinton alone. Yet he and Mr. Clinton constituted a host in themselves, and though the latter might not have been popular with the politicians, he was certainly popular with the people.

The unfortunate results of the campaign of 1812 did not prevent Mr. Clinton from continuing to cherish his presidential aspirations. He persevered in regarding himself as the proper and natural successor of the revolutionary worthies, and consequently, did not at all favor the pretensions of Governor Tompkins in 1816, though, being still in bad odor with the republi-

can party, he could do nothing against him. Neither did he coincide with Judge Spencer, who,—when the defeat at Bladensburg and the capture of Washington had put his friend, General Armstrong, then secretary of war, in Coventry as a politician,—exerted himself to procure the nomination of Mr. Crawford as the republican candidate. Mr. Clinton's preferences were decidedly for Mr. Monroe, because he had rendered important services during the Revolution and the organization of the federal government; and while the idea that he would and ought to be president had become familiar with the public, it did not seem to exclude himself, which the selection of a younger man would have done.

In the summer and fall of 1816, the friends of Mr. Clinton began openly to express their preferences for him as the successor of Governor Tompkins, who had been nominated at the Congressional Caucus as the republican candidate for vice-president. The council of appointment chosen the previous winter was under the control of Judge Spencer, and thus a most powerful engine was wielded in his favor. The canal interest, of course, was arrayed on the same side, and all the leading federalists in the state, with the exception of Rufus King and his particular friends, declared themselves decidedly favorable to Mr. Clinton, and intimated that they would run no candidate in opposition if he should be the nominee of the republican party.

So powerful were all these influences, that Gov-

ernor Tompkins, Mr. Van Buren, and their friends, labored in vain against them. The current in favor of the nomination of Mr. Clinton, particularly in those sections of the state to be benefited by the construction of the Canals, was much too strong to be resisted. At the regular session of the legislature in 1817, the question of the succession was the principal topic agitated among the republican members. A majority of them—not so much, perhaps, because their personal preferences pointed in that direction, as for the reason that they could not mistake the indications of the sentiment prevailing among their constituents—were soon ascertained to be friendly to the nomination of Mr. Clinton, yet, in consequence of the determined opposition, and, in the case of the Tammany men, the bitter hostility manifested toward him by his opponents, it was feared that he would be unable to secure the nomination in the legislative caucus. In order to prevent such a result, it was proposed by Judge Spencer and others, that delegates should be selected by republican conventions in those counties represented by federalists, who, with the republican members, should constitute a state convention for the purpose of nominating candidates for governor and lieutenant-governor.

This mode of selecting candidates was undoubtedly fairer than that before adopted, and nothing could be said against it. But it was unfortunate for Mr. Clinton that it should have been suggested at this juncture,

and that, too, by his friends ; for it was an innovation, in respect of established usages, that was entirely unnecessary to secure his nomination. Had it not been for this, he might have overcome the hostility of his republican opponents, bitter as it was ; but they now saw that he was disposed to resort to extraordinary measures, and though many of them felt obliged to support him, it was without cordiality, and they were ready at any moment to embrace a favorable opportunity, should one present itself, for destroying his standing in the party.

Mr. Tompkins having been chosen vice-president, he resigned the office of governor, and a law was passed providing for a special election. The friends of Mr. Clinton had secured the council of appointment at the session of 1817, and they had everything their own way. The convention, of republican members of the legislature and delegates, was held on the 25th of March, 1817. The opponents of Mr. Clinton, headed by Mr. Van Buren, made great efforts to prevent his nomination, and supported Peter B. Porter as their candidate, who was a warm anti-Clintonian, but equally ardent in advocating the Canal policy. On balloting for the gubernatorial candidate, Mr. Clinton received the votes of sixty members and twenty-five delegates and General Porter those of thirty-four members and seven delegates.

In accordance with their promises to the friends of Mr. Clinton, no nomination was made by the federalists.

The Tammany men refused outright to support the candidates of the republican convention, and distributed tickets throughout the state with the name of General Porter upon them ; but no effort was made to secure votes for this ticket out of the city. There was but little excitement, therefore, at the polls, and more than one half of the electors did not vote at all on the gubernatorial question. Although Mr. Clinton was elected, he did not receive as large a vote as Mr. Tompkins had done the year previous. There were less than forty-five thousand votes cast for governor, of which Mr. Clinton received upwards of forty-three thousand, and General Porter about fifteen hundred, most of them given in the city of New York.

After the resignation of Governor Tompkins, and until the close of the civil year, the state government was administered by the lieutenant-governor, Judge Tayler. Mr. Clinton took the oath of office on the 1st of July, 1817, and immediately entered on the discharge of the executive duties. Almost the first act of his administration, was the removal of the Tammany men from office in the city of New York. He had no disposition to conciliate his opponents in the party, and manifested none. Attachment to himself was practically declared to be the test of fitness and capacity in candidates for official favors. He did not make open war upon Governor Tompkins, Mr. Van Buren and their friends, but he returned their want of cordiality with a coldness that could not well be mis-

taken. The truth was, they had already determined he should not again become the leader of the party, not so much because of any want of fidelity to his republican principles, though his relations toward the federalists were much too intimate to have their origin in mere personal friendship, but for the reason that he could not tolerate the least resistance to his will, and would admit no one to his counsels unless entirely devoted to him.

In the autumn of 1817, Governor Clinton issued a proclamation, recommending that the 13th of November should be observed as a day of thanksgiving and prayer. It will be remembered that Governor Jay made a similar recommendation, but was unable to introduce the custom which had long prevailed in the eastern states, on account of the opposition to New England notions and inventions. But the Yankees and Knickerbockers had now become more thoroughly fused and blended together, and the citizens generally united in observing the day recommended by Governor Clinton. The precedent thus established by him, has been ever since followed by his successors in the chair of state.

When the legislature assembled for its regular session in January, 1818, the insecurity of Mr. Clinton's position was soon made apparent. The speech of the new governor was favorably received, and was in fact highly creditable to him. It contained a flattering review of the financial condition and resources of the state, and

a most able exposition of the views of the writer upon the subject of internal improvements. He recommended the appointment of a district attorney in each county in the state, and several other legal reforms.

A tolerable degree of harmony prevailed among the republican members, yet the calm was deceitful. But very few of them, even those known as Clintonians, were really attached to him. It was both his misfortune and his fault that he was surrounded by a coterie of parasites who could do nothing but harp his praises, and this gave color to the charge that he was seeking to establish a personal party. He had deceived himself as to his real strength. His nomination and election were mainly owing to the prevailing sentiment in favor of the construction of the canals, but he attributed it entirely to his own individual popularity. He could not be made to believe, therefore, that there was danger of his standing being impaired, when there should no longer be any opposition to the canal policy. With very few exceptions, he was not on friendly terms with any of the prominent republicans in the state, and toward Mr. Van Buren and Colonel Young, who stood in the front rank, he was not only distant and reserved, but sometimes manifested the most vindictive feelings. His whole reliance was upon his personal popularity and upon himself, and he seemed to care but little about the efforts of his opponents.

The council of appointment chosen this winter consisted of Peter R. Livingston and Henry Seymour,

both anti-Clintonians; Henry Yates, a friend of Mr. Clinton's, but caring more for the republican party than for the governor; and Jabez D. Hammond, formerly a land-agent of the governor, and upon whom he had bestowed many favors, and therefore ready to carry out his wishes in everything. If Governor Clinton had thought proper to exercise his influence, he might have secured a majority of the council, but this he did not do, and hence the result. Ostensibly Mr. Yates was his friend, and therefore the public inferred that the operations of the council were controlled by him; whereas, in point of fact, the former had pretty much his own way. The governor and Mr. Hammond were disposed to remove or supersede all the anti-Clintonians holding important offices, but Mr. Yates would not consent to the proscription of republicans in good standing in the party, and who had always supported its nominations. If the governor's candidates were satisfactory to him he voted for them; if not, he went with Mr. Livingston and Mr. Seymour.

The session passed without any open disagreement between the two factions; but all the active republican leaders—for the influence and popularity of Judge Spencer were now on the wane—were determined to reorganize the party without delay. It was the object to separate as many republicans from Mr. Clinton as possible, and in this they were successful, as they carried nearly the whole party with them.

In the next legislature there were about sixty-five

Clintonians, fifty-six or fifty-seven anti-Clintonians, and upwards of thirty federalists. In the assembly alone the Clintonians had a still greater majority over the other faction. But the latter, by means of a secret understanding, collected in force at the Capitol on the night previous to the first day of the session, and succeeded in nominating their candidate for speaker at the republican caucus. The next day the Clintonians refused to support the candidate nominated, and with the assistance of the federalists elected one of their own friends. The breach was now made, and at a caucus subsequently held for the nomination of a senator in Congress, open war was declared between the two factions. The caucus broke up in confusion, and as the federalists adhered to Mr. King, the incumbent, no senator was elected at this session.

By the act of 1817, the canal commissioners were authorized only to construct canals between Lake Champlain and Fort Edward on the Hudson river, and between the Mohawk and Seneca rivers. Mr. Clinton, therefore, urgently recommended, in his annual speech in January, 1819, that the entire line of canal navigation from Lake Erie to the Hudson, and from Fort Edward to the head of sloop navigation, should be opened. Some of his friends in the legislature did not approve of these recommendations, but they were sustained by the votes of the leading anti-Clintonians, who, by pointing to this fact, withdrew

from Mr. Clinton many of the republican friends of the canals.

The council of appointment chosen this winter was friendly to Mr. Clinton, and regarded his wishes in making removals and appointments. Yet, notwithstanding the Clintonians were able to elect a council, through their want of tact and policy, they suffered their opponents, now called Bucktails, to elect Mr. Seymour as a canal commissioner to fill a vacancy, which gave the latter a majority in the board. From this time forth, the opponents of Mr. Clinton controlled the canal influence. Still, the works were prosecuted with vigor, and he omitted no opportunity to urge their speedy completion.

Mr. Clinton no longer concealed his determination to exclude his opponents from office. In April, 1819, a pretty general sweep of the bucktails was made, and in July, Mr. Van Buren was himself removed from the office of attorney-general. The new appointments were made from Clintonians and federalists, but chiefly from the latter, who soon composed the main body of Mr. Clinton's supporters. The great majority of the republican party adhered to Mr. Tompkins and Mr. Van Buren, while all the federalists, with the exception of Rufus King and his particular friends, arrayed themselves on the side of the governor.

As early as the winter of 1818, a movement had been made in the legislature, looking toward the amendment of the constitution so as to do away with the

council of appointment. This project originated with the bucktails, and was not at all pleasing to Mr. Clinton; and he exerted all his influence to prevent the adoption of a resolution which had been introduced, and by which a state convention was authorized to be held. He never regarded with favor the revision of the constitution in 1821, and even when he saw the proposition for a convention rapidly gaining ground among the people, he only yielded so far as to signify his willingness to submit to the electors the question whether or no a convention should be called. At the extra session of the legislature, in November, 1820, an act was passed by the votes of the bucktail members, who then controlled everything, providing for a convention with unlimited powers. At first, the object of the bucktails had been only to take away the appointing power from the council, but as the judges of the supreme court, or rather a majority of them, had also opposed the convention project, it was determined to *constitutionize* them out of office. By the act alluded to, no provision was made for submitting the question to the people, and the council of revision vetoed the bill. Chancellor Kent and Judge Spencer voted against the bill in the council, and Judges Yates and Woodworth in its favor. Hence it devolved upon Governor Clinton to give the casting vote; which he did, against the bill. But the expressions of public opinion were so strong in favor of the proposed convention, that the governor was ultimately forced to

acquiesce and to approve the law passed in the winter of 1821.

The legislative session commencing in January, 1820, was spent mainly in discussing the questions arising upon the unsettled accounts of Governor Tompkins; the Clintonians and federalists opposing, with great vehemence and bitterness, the terms of adjustment proposed by him, and defended by his republican friends in the legislature. At this session, also, resolutions were passed opposed to the admission of any new slave states into the union, which Mr. Clinton cordially approved.

In April, 1820, a new election of governor was to take place. Mr. Clinton was now completely estranged from the republican party of the state, though there is no evidence that he had changed his principles. Indeed, this was a time when republican principles were cherished by everybody. Mr. Monroe had introduced "the era of good feeling," and it was only here and there a federalist could be found bold enough to declare his attachment to the doctrines of 1798. The republican friends of Governor Clinton were in a feeble minority in the legislature, and they did not think it advisable to show their weakness in point of numbers by meeting for the purpose of making a legislative nomination. Mr. Clinton and Judge Tayler, therefore, were again put in nomination at a large public meeting of their friends held in the city of Albany. The buck-tails were aware that it would be necessary to bring

out their strongest man to overcome the popularity of Mr. Clinton among the friends of the canals, strengthened as he would be by the influence and votes of the federalists. Accordingly, they fixed upon the vice-president, Mr. Tompkins, with great unanimity, as the opposing candidate.

The election in 1820 was closely contested, and Mr. Clinton was chosen by a meagre majority.* It is evident that his personal popularity, or the charge of defalcation secretly whispered against Tompkins, though none dare utter it openly, produced this result; for the bucktails, or regular republican party, succeeded in returning a respectable majority of the members of the legislature. All the federalists, except a small faction, comprising for their numbers a large share of talent, headed by the sons of Rufus King and Alexander Hamilton, and by William A. and John Duer, and calling themselves "high-minded federalists," supported Governor Clinton; while nine tenths of the republican party gave their votes to vice-president Tompkins.

It was a matter of general notoriety, for it could not well be disguised, that the official patronage of the general government, through the instrumentality of Mr. Tompkins and Mr. Van Buren, was now wielded adversely to Mr. Clinton; and the latter, in his annual speech at the extra session in the fall of 1820, intimated very distinctly, that, in his opinion, the officers under

* The majority of Mr. Clinton was less than fifteen hundred in a poll of ninety-three thousand votes.

the federal government had interfered in the late election. The Senate immediately passed a resolution requesting the governor to communicate any information he might possess upon the subject. The charge had been made by inuendo; and, of course, the governor had no idea that he should be called upon for his proofs. He was not the man, however, to avoid a collision, and he returned a brief and curt reply to the resolution, stating that he fully appreciated "the patriotic solicitude" of the Senate, and would in due time make a communication. The republican members of the Senate conceived this reply to be insulting, as it was doubtless intended to be; and after waiting five days without receiving any further message from the governor, they passed another resolution, censuring him for making such charges and insinuations as he had done, and not adducing the evidence in support of them. To this last resolution he replied briefly, but with great spirit, on the last day of the session, expressing his regret that any branch of the legislature should "lose sight of the respect due to itself, and the courtesy due to a coördinate department of the government." The majority in the Senate were not loth to continue the quarrel, and they promptly ordered the communication of the governor to be forthwith returned to him.—Such is a specimen of the bitterness that characterized the political contests between Mr. Clinton and his opponents. Where both parties were so much at fault, it

is not wonderful that he was calumniated, nor that he often gave cause for attack.

At the ensuing regular session, the governor sent a special message to the assembly, accompanied with a mass of certificates, letters, and depositions, having reference to the interference of the federal officers in the state elections. So voluminous were the documents that they were sent to the House in a green bag, and the message was ever after known as the "Green Bag Message." The proofs of the governor were wholly insufficient to establish his charges, except in one or two instances, although the general fact was evident enough, because it had always been customary for the officers referred to, active politicians as they generally were, to take part in elections. Whether it was right or wrong, Mr. Clinton exhibited more spleen than consistency in making the charge, for he was himself too much of a partisan to have stickled at any such means, if necessary to his own success.

The popular feeling in favor of a convention to revise the constitution was so strong, that Governor Clinton and his friends were at length forced to yield. In the winter of 1821, therefore, they proposed to pass a law submitting the question to the people, and requiring the convention, if one should be called, to prepare and submit all amendments separately and severally. To the latter proposition the bucktails would not listen for a moment, but they finally consented to have the question of calling a convention submitted to the vot-

ers of the state at the April election. In this shape the law was passed, and approved by the council. At the April election, the people decided in favor of a convention, by a majority of nearly seventy-five thousand. The delegates were chosen in June, and as the republicans now had everything their own way, they secured the entire control of the convention.

At the extra session, in November, 1820, a council of appointment had been chosen decidedly unfriendly to Mr. Clinton, and as soon as they had been called together they commenced removing the Clintonians from office. Thus, both the state and the national patronage were now in the hands of his opponents; and when the constitutional convention, which assembled in August, 1821, enlarged the basis of the right of suffrage, it was not difficult to foresee his defeat, should he be brought forward for reëlection under the new order of things. The bucktails omitted no opportunity to prejudice him in the minds of the electors. His opposition to the convention was constantly harped on, and at the regular session of the legislature, in 1822, a resolution was adopted condemning the practice of delivering a speech. This was designed as a personal attack upon the governor, because he had again alluded to his difficulty with the Senate, by expressing the wish that both houses would coöperate with him in cultivating mutual respect and forbearance. In any other view the resolution was entirely uncalled for, since the practice condemned was not

yet done away by the new constitution, which was now waiting the final action of the people.

It was difficult for Mr. Clinton to convince himself that he had lost ground with the people, by his tardy acquiescence in their wishes in respect to a convention. Many of his friends, too, were anxious that he should dare the popular ordeal, not doubting but that he would be triumphantly sustained. He ardently desired to witness the fruits of his canal policy in the station he then filled, and to see the important works in progress fully completed under his auspices. But it was impossible to blind his eyes to the true state of the case. His friend, Judge Spencer, had opposed with all his ability the popular reforms adopted in the convention, and a great share of the odium naturally fell upon him. Following the advice of his more sagacious friends, and the counsel of his own better judgment, he ultimately resolved to retire. Lest it might be said he had been driven ingloriously from office, a public meeting of his friends was called in the city of Albany, at which a committee, consisting of Ephraim Hart, Peter Gansevoort, and others, was appointed to solicit his consent to become a candidate for reëlection. In reply to the committee, he signified his intention positively to retire from public life; and on the 1st day of January, 1823—the civil year having been changed so as to correspond with the calendar year, by the new constitution—he was succeeded by Judge Yates, who had been chosen governor at the November election.

Though he had retired from the gubernatorial chair, Mr. Clinton did not vacate the office of Canal Commissioner, but continued to devote even a greater portion of his time and attention to the important public works in progress. The subject of internal improvements engrossed a large share of his thoughts. All over the Union he was known as a public benefactor, whose energy, foresight and sagacity, had achieved a great deal for his native state, and promised to bless and enrich her for all time to come. His correspondence with the projectors of improvements in this country and in England was very extensive, and his advice and his opinions were eagerly sought for in every quarter. Much of his time, too, was spent in those scientific studies and pursuits, which never failed to cheer and delight him amid the busy strife and confused turmoil of politics. Like Mæcenæ he loved to mingle the charms of literature with the cares of state; yet he was not content with being the mere patron of scholars—he was himself a ripe scholar and a sound one.

The presidential contest of 1824 will not soon pass from the memory of the American people. Its many-sided aspects proceeded naturally from the harmonizing policy of Mr. Monroe; and, perhaps, it was a fitting introduction to the reorganization of parties,—for all the political elements were aroused, as was necessary before the negative could be succeeded by the positive, and when they subsided, two distinct parties were witnessed, with the lines between them broadly defined.

Mr. Clinton was the first prominent man in the northern states who declared himself friendly to General Jackson. It is probable that he might have looked forward to the succession, and, regarding Mr. Adams as his natural rival in this section of the Union, was prejudiced against him in advance. - He took no active part in politics ; but from the first favored the movement looking to a change in the mode of choosing presidential electors. In 1802, he had proposed in the State Senate to amend the federal constitution so that electors should be chosen by the people in districts ; and while governor, in his speech at the commencement of the extra session in November 1820, he recommended that a state law should be passed providing for the choice of the electors by the people, by general ticket, to continue in force till the constitution of the United States should be amended as he had before proposed.

In the fall of 1823, and throughout the following year, the electoral question was the great theme of discussion in the state of New York. Its original agitators were bucktails, who were opposed to Mr. Crawford ; and the Clintonians, being all Adams men or friends of General Jackson, immediately fell in with them. Mr. Clinton was very anxious, as were all his intimate friends, that he should again become governor of the state, and in the summer of 1824 great efforts were made to secure his nomination by "the people's party," as those who advocated the choice of the electors by the people were called. These efforts proved

successful, and Mr. Clinton was nominated at a state convention of the friends of the proposed change in the electoral law, over James Tallmadge, a bucktail, and one of the original founders of "the people's party."

Two years previous, Mr. Clinton's popularity had declined so much, that it was not thought advisable to bring him before the people as a candidate; but now his friends had seized the thunder of the original "people's men," and were bearing him along triumphantly. Apparently, this change in his fortunes would seem to have been produced by his early advocacy of the proposed measure; but this was not the case. Just before the close of the session of the legislature in the spring of 1824, he had been removed from the office of Canal Commissioner by the bucktails; the people's men belonging to that party, as well as those opposed to changing the electoral law, voting for the removal.

No cause was assigned for removing Mr. Clinton, and the course of the majority was denounced in strong and eloquent terms by his friends in the legislature. The policy of the removal was defended strictly on party grounds; for in any other view, it could not for a moment be contended that it was right or proper to eject him from an office appropriately bestowed on so early a friend of the Canals. Much has been said, then and since, upon this question. The removal was unquestionably an injudicious display of party spirit, but it could not be called positively unjust, for Mr. Clinton had very few compunctions in regard to the removal

of his opponents from office. He never asked any favors in this respect, as he never granted any. To the people, however, it seemed like striking a fallen enemy. On the spur of the moment large meetings of his friends were called in the principal cities in the state, and resolutions were adopted unequivocally condemning the proceedings of the legislature.

Public sympathy once fairly aroused in behalf of Mr. Clinton, the old benefactor and friend of the people and the state, it was impossible to stem the tide. The bucktails nominated Samuel Young, who had expressed himself favorable to the choice of the electors by the people, and well known as a friend of the canals, and they entered into the contest with unusual energy and spirit. But the current had set, and its course could not be changed. Nearly two hundred thousand votes were cast for governor, and Mr. Clinton was borne into office by a majority of over sixteen thousand.

His term of office commenced on the 1st day of January, 1825. The first message from his pen contained a long and able exposition of his views upon the subject of internal improvements. He advised the creation of a board to have cognizance of such matters, and recommended an extensive system of canals. In relation to the mode of choosing the presidential electors, he repeated the views he had before expressed. He congratulated his fellow-citizens upon the important beneficial changes made by the new con-

stitution, and particularly the abolition of the council of appointment. Other reforms he thought were advisable, and he recommended the further extension of the right of suffrage and the election of justices of the peace by the people. Both these recommendations were subsequently approved by the legislature and their constituents, and the constitution was amended in accordance with his suggestions.

In February, 1825, President Adams tendered the English mission to Mr. Clinton. The Clintonian Adams men urged him strongly to accept the proffered appointment, but his confidential friends advised him against it. This advice was hardly needed, for it was so palpably a scheme to get rid of him before the next presidential election, that he did not hesitate promptly to decline the appointment. It was justly feared that he might soon become a formidable rival to Mr. Adams, for his popularity was now rapidly on the increase.

After the adjournment of the legislature, and toward the latter part of May, Mr. Clinton visited Philadelphia, where he was received with great respect, and complimented with a public dinner. Shortly after this, he was honored by a formal invitation from the state of Ohio to be present at the ceremony of breaking ground on her magnificent canal. The invitation was accepted, and, in company with several friends, he commenced his western tour. The highest honors awaited him in the Buckeye state, and as the day appointed for the ceremony was the anniversary of independence,

a vast concourse of people assembled to greet him. When he rose to address them, says an eye-witness, the entire mass, "by one simultaneous movement, which could only have been prompted by one common absorbing emotion of respect, rose from their seats."* Mr. Clinton was sensibly touched by this mark of respect, and could with difficulty give utterance to his thanks. From Ohio he proceeded to Louisville, Kentucky, where a public dinner was tendered to him and accepted.

The year was destined to be one of continued jubilees and rejoicings. Returning from the west, Mr. Clinton had the prouder satisfaction of taking part in the celebration of his own state. Early in October, 1825, it was announced that the Erie Canal would be in readiness on the 26th instant, to permit the passage of boats from Buffalo to the Hudson; and extensive preparations were made for honoring the occasion as best became it. Cannon of large calibre were stationed, at proper intervals, along the canal and river, from Buffalo to Sandy Hook, to announce the departure of the first boat from Lake Erie to tide-water, and to keep up continuous salutes. "At nine o'clock on the morning of the 26th, a procession was formed in front of the court-house [Buffalo.] It consisted of the governor and lieutenant-governor of the state, the New York delegation, delegations from villages along the whole line of the canal, various societies of me-

* Eulogy of Alfred Conkling, 1828.

chanics with appropriate banners, and citizens generally; the whole escorted by the Buffalo band, and Capt. Rathbun's rifle company. The procession moved down Main street to the head of the canal, where the pioneer boat, the 'Seneca Chief,' was in waiting. The governor and lieutenant-governor, and the committees, including that of Buffalo, were received on board. * * * * All things being in readiness, the signal gun was fired, and continuing along from gun to gun, in rapid succession, in one hour and twenty minutes the citizens of New York were apprised that a boat was departing from the foot of Lake Erie, and was on its way 'traversing a new path to the Atlantic Ocean.' The Seneca Chief led off in fine style, drawn by four gray horses fancifully caparisoned. Three boats, the Perry, Superior, and Buffalo, followed."*

Thus, like the Roman conqueror honored with a triumph, was Mr. Clinton borne along toward the Capital. Celebrations and addresses, bonfires and rejoicings, marked his progress to the Hudson. From Albany he proceeded down the river to New York, and accompanied by an immense fleet of boats and steamers, three miles in circumference, sailed through the bay and Narrows to Sandy Hook, where, from the deck of a vessel, he emptied a keg of water brought from Lake Erie on the Seneca Chief into the Atlantic Ocean, accompanying the act with appropriate remarks. With

* Turner's History of the Holland Purchase, p. 634.

this ceremony, reminding one of the spousals of the Adriatic, closed the protracted celebration.

While Governor Clinton was enjoying the honors and commendations so well deserved, the bucktails were busily preparing for the fall election. This took place in November, and resulted in their complete restoration to their former ascendancy in the state legislature.

It is impossible to disguise the fact, that the governor sought to strengthen himself by recommending improvements in various sections of the state. In 1825 he had advised the construction of a state road from Lake Erie to the Hudson, through the south-western tier of counties, and the recommendation was repeated in his annual message in 1826. He thought the question should never be asked, whether a proposed improvement would ever afford sufficient revenue to repay the cost of construction, but that the inquiry should be, whether the public benefit would be promoted. These opinions were controverted with much ability by Colonel Young as a member of the Canal board, and they would seem properly to belong to the enthusiastic rather than the practical statesman. Like other men, Mr. Clinton had his hobbies, and sometimes rode them till they would bear him no longer. His views have, since his day, found many advocates, though they have never been approved by the great body of the people of the state.

Toward the close of Mr. Clinton's term, it became

evident to intelligent and reflecting politicians, that a new organization of parties would take place. Mr. Van Buren and his particular friends among the buck-tails were preparing to support General Jackson for the next presidency, in opposition to Mr. Adams, and it was well known that Mr. Clinton concurred with them in sentiment. No positive or definite understanding was ever had between Mr. Clinton and Mr. Van Buren, or their confidential friends, with reference to their acting together in the support of General Jackson ; but it was tacitly understood that they agreed in opinion on the presidential question, and this produced a more friendly state of feeling between them. Edwin Croswell, the editor of the Albany Argus, Benjamin Knowler, the former state treasurer, and other leading bucktails and friends of Mr. Van Buren, occasionally dined with Mr. Clinton ; and the particular friends of the latter were appointed by him, in several instances, to important offices, and confirmed by the republican majority in the Senate, because they were known to be Jackson men.

The rank and file of the bucktail, or republican party, were still decidedly hostile to Mr. Clinton ; and this was also the case with the prominent men among them who were friendly to Mr. Adams. It was the policy of Mr. Van Buren and his Jackson friends to bring over the great body of the party to the support of their favorite, and this they were ultimately enabled to do, for the Clintonians, having, for the most part,

originally been federalists, were inclined to sustain Mr. Adams. Some few of the latter were prepared to come out openly for General Jackson, whenever Mr. Clinton gave the word, but matters were not considered ripe in 1826. Accordingly, the bucktails nominated William B. Rochester as their candidate for governor, and the Clintonians put their favorite once more in nomination. The bucktail candidate for lieutenant-governor, Nathaniel Pitcher, was a Jackson man and a friend to the state road, while the Clintonian candidate, Henry Huntington, was an Adams man and not favorable to the construction of the proposed road. Judge Rochester was also an Adams man and unfriendly to the road. In the city of New York, the more zealous Jackson men openly supported Mr. Clinton and Mr. Pitcher, and many Clintonian Adams men voted for Judge Rochester. But the two parties generally supported their respective nominations, except in the southern and south-western counties, where the friends of the state road gave Mr. Clinton and Mr. Pitcher a heavy vote and thus secured their election.

In the legislature of 1827, the bucktails had a large majority, and most of the members belonging to that party were likewise Jackson men. Mr. Van Buren was now a candidate for reelection to the United States Senate, and was duly chosen to that office, with the votes, too, of the Clintonian Jackson men. Immediately after this result, the confidential friends of Mr. Clinton and Mr. Van Buren openly announced their

intention to support General Jackson, and in a few months the old republican party was once more reunited. A number of Mr. Clinton's personal friends who had been federalists continued to adhere to him, but most of the original members of that party still on the stage of action, arrayed themselves on the side of Mr. Adams. Some few of the bucktails, also, took the same ground, though nearly all decided to follow the fortunes of Mr. Van Buren. Here and there were individual exceptions, but, as a general rule, the new Adams and Jackson parties, in the state of New York, were thus organized.

Efforts were made in the state of Virginia and in New York, as well as in some of the western states, to bring forward Mr. Clinton for the presidency, but he was not disposed again to hazard his cause prematurely, and therefore resisted all the importunities of his friends. He adhered faithfully to General Jackson, and on the 8th day of January, 1828, he presided at a public dinner given in the city of Albany, in honor of the hero of New Orleans.

The second term of Mr. Clinton under the new constitution passed by with few incidents of importance. In his annual message at the regular session in 1827, he repeated his recommendations in behalf of an extensive plan of internal improvements, though, at the same time, he advised the speedy extinguishment of the public debt. He further recommended, that the banking system of the state should be thoroughly remodelled, in order to

prevent ruinous expansions and sudden contractions of bank discounts, and to insure a sound paper currency.

In January, 1828, Governor Clinton communicated his last annual message to the legislature. Like all his state papers, it was able and interesting. He again recommended additional internal improvements, and the construction of lateral and tributary canals. The encouragement of domestic manufactures, to which he was ever friendly, and the agricultural condition and resources of the state, were prominent topics discussed in the message. But its crowning feature was his eloquent remarks in regard to common schools. This subject had ever been one in which he had taken deep interest, and his "last words" in regard to it are worthy to be preserved.

He recommended the establishment of schools for the instruction of teachers in each county town in the state, and called the attention of the legislature to the importance of providing in a suitable manner for all classes of youth, whether rich or poor, high or humble, the youngest as well as those who were more advanced in years. "That part of the revised laws relative to common schools," he remarked, "is operative on this day, and presents the system in an intelligible shape, but without those improvements which are requisite to raise the standard of instruction, to enlarge its objects, and to elevate the talents and qualifications of the teachers. It is understood that Massachusetts has provided for these important cases; but whether the experiment has as yet been attended with promis-

ing results, is not distinctly known. It may, however, be taken for granted, that the education of the body of the people, can never attain the requisite perfection, without competent instructors well acquainted with the outlines of literature and the elements of science. And after the scale of education is elevated in common schools, more exalted improvements ought to be engrafted into academical studies, and proceed in a correspondent and progressive ascent to our colleges.

“In the meantime, I consider it my duty to recommend a law, authorizing the supervisors of each county to raise a sum not exceeding two thousand dollars, provided the same sum is subscribed by individuals, for the erection of a suitable edifice for a monitorial high school, in the county town. I can conceive of no reasonable objection to the adoption of a measure so well calculated to raise the character of our schoolmasters, and to double the powers of our artisans, by giving them a scientific education. The fixing the building in the county town, will save local conflicts, and, as the execution of the law will be discretionary with the supervisors, they may advance to the object with the propitiating progress of public sentiment. * * *

“Permit me to solicit your attention to the two extremes of education—the highest and the lowest: And this I do, in order to promote the cultivation of those whom nature has gifted with genius, but to whom fortune has denied the means of education. Let it be our ambition, (and no ambition can be more laudable)

to dispense to the obscure, the poor, the humble, the friendless, and the depressed, the power of rising to usefulness, and acquiring distinction. With this view, provision might be made for the gratuitous education in our colleges, of youth eminent for the talents they have displayed, and the virtues they have cultivated in the subordinate seminaries. This would call into activity all the faculties of genius, all the efforts of industry, all the incentives to ambition, and all the motives to enterprise, and place the merits of transcendent intellect on a level at least with the factitious claims of fortune and ancestry."

The conclusion of his message was in his happiest style, and was both beautiful and impressive. Bearing in mind how soon he was summoned to join the assembly of the dead, it seems like the last admonition of a dying patriot. "We are inhabitants," said he, "of the same land, children of the same country, heirs of the same inheritance, connected by identity of interest, similarity of language and community of descent, by the sympathies of religion, and by all the ligaments which now bind man to man in the closest bonds of friendship and alliance. Let us then enter on the discharge of our exalted and solemn duties, by a course of conduct worthy of ourselves and our country; which will deserve the applause of our constituents, insure the approbation of our own consciences, and call down the benediction of the Supreme Ruler of the Universe."

On the morning of the 11th of February, 1828, Mr.

Clinton was in the Executive Chamber at the capitol, apparently enjoying his usual good health. After transacting his customary business he returned home. Having dined, he repaired to his study, wrote up his diary, read his letters and wrote several in reply. He then engaged in conversation with two of his sons who were present ; but all at once he paused, and complained of a severe stricture across his chest. His head almost immediately fell back upon his chair, and long before a physician could be called, he was beyond the reach of medicine. His death seemed to be instantaneous, and his countenance underwent no change ; "there was no struggle or convulsion ; the color of his cheeks was unchanged, and his departure was quiet as if he had dropped asleep." *

His decease was occasioned by a catarrhal affection of the throat and chest, which had been long neglected, and produced a fatal disease of the heart.

So ended the career—thus suddenly and unexpectedly—of one of the greatest men New York has ever produced. When his prospects, once clouded, seemed brightening happily, in an instant the hopes of his friends were crushed, and his life was ended. It is needless to say that the shock was universally felt. Sorrow for the loss of such a man was no transient emotion, to be indulged for a moment, and then dismissed forever. Political opponents and friends mourned together. At Washington the members of Congress

* Renwick's Life of Clinton, p. 296.

from this state were addressed by Mr. Van Buren in eloquent and forcible language. Eulogies were pronounced in all the cities and principal towns in the state. The legislature being in session, ample provision was made for the funeral ceremonies, and his body was borne to the tomb amid all the pageantry of woe,—amid tears and regrets that could not be stifled or suppressed.

Mr. Clinton was twice married. His first wife was Maria Franklin, the eldest daughter of Walter Franklin, an eminent merchant of the city of New York. By her he had seven sons and three daughters. Four of his sons and two daughters survived him. One of the sons, Charles A. Clinton, was for many years the clerk of the Superior Court in the city of New York; another, George W. Clinton, is a prominent lawyer in Buffalo, and has been mayor of the city and United States' district attorney for the northern district of New York. Mr. Clinton's second wife was Catharine Jones, the daughter of Thomas Jones, a physician in the city of New York, whom he married in 1819. By his first wife Mr. Clinton received a large fortune, but for many years previous to his decease, his pecuniary affairs were embarrassed. He never made use of his official positions to amass wealth, and he was much too liberal and too generous to possess a very large share of the faculty of accumulation. He died poor, and the legislature voted the sum of ten thousand dollars as a provision for his minor children.

In person Mr. Clinton was well calculated to attract

attention, and to command respect. His features were finely moulded. His forehead was broad and full, and his eyes keen and penetrating. His countenance was highly expressive, and presented a happy combination of the grace of beauty and the dignity of intelligence.

His traits of character, like his political course, have been differently viewed by his friends and opponents. His eulogists and biographers seem to have been entirely possessed with feelings of admiration; and the portraiture of Mr. Hammond, who claims to be impartial, is much like an imbroglio. At one time no language can be sufficiently "intense" to give full expression to his praises; and at another, apparently through fear lest he should be charged with partiality, he displays all his little weaknesses in bold relief. He accords to him every characteristic of greatness, and then blackens his memory with the most perfect nonchalance.

Mr. Hammond says that "among the mass of his fellow-citizens," Mr. Clinton was "personally unpopular;"* and in reply to this, Judge Spencer declares that he was "the most popular man of his time."† His life affords abundant evidence that Mr. Hammond is mistaken. No public man of New York has ever had warmer or more attached friends, or enjoyed a higher degree of personal popularity. It may be that there was nothing peculiarly winning about him, and that he was more calculated to excite admiration than

* Political History of New York, vol. ii. p. 270.

† Defence of Judge Spencer, 1843.

love. But popularity may have its rise in either emotion. At every step of his career, it is apparent that the man was worshipped more than his principles.

His habits were those of the student. He was an early riser, and unusually industrious. Naturally diffident, and inclined to fits of abstraction, as is very common with hard students and profound and intense thinkers, his coldness was misunderstood by those who could not appreciate him, and the reserve of his manner was mistaken for dignified imperiousness. His diffidence once overcome, and the barriers of his reserve, which rarely offered more than a feeble resistance, broken down, he was a social and agreeable companion. In conversation he was rarely witty, but at all times interesting and instructive. He was a man of strong feelings, kind and affectionate, and generous to a fault. Occasionally he was inclined to be querulous, and often unguarded in his speech. Having been bred a politician, he was not always frank, and only opened himself fully to his most intimate friends. Yet he was naturally urbane and courteous, and never sought a personal altercation with any one unless he thought he had been wronged, when he did not hesitate to give full expression to his feelings.

In private life he was most exemplary—not perfect, indeed, for who is perfect—but in matters of business, and in his relations toward his family and his friends, he was careful to discharge his duties aright, and if he erred, the fault was not in his heart.

In some of his mental characteristics, he was superior to any of the great men of New York ; in others their equal, and in none below mediocrity. He possessed great moral courage ; was ardent and indefatigable, pertinacious and inexorable. He had alike the boldness and versatility of Shaftesbury, and though he "often changed his associates, he never changed his purposes." His intellect was gigantic, yet it wanted simplicity. His views of human nature were, for a politician, extremely broad and liberal, comprehensive and enlarged ; and no narrow prejudices contracted "the capacious breadth of his sleepless mind."

Allusion has been made to his character as a student, and to the extent and variety of his studies. It cannot be said that he was thoroughly versed or a proficient in all, because one life could scarcely compass so vast an amount of knowledge. His education was an excellent elementary one, and upon this foundation he reared a noble superstructure. Like Carteret, he was a profound scholar, fond of admiration, and ambitious to achieve a literary reputation. In every department of science, if not entirely at home, he had made valuable and extensive acquisitions. Educated men abroad and at home were his correspondents and friends, and his talents and acquirements were honored wherever he was known. He was the president of the Academy of Fine Arts, and of the New York Literary and Philosophical Society, and an honorary member of the Linnean and Horticultural Societies of London. In

1812, Rutgers' College conferred upon him the degree of doctor of laws, and in 1824 Columbia College honored him with the same distinction.

Himself a scholar, he was ever a steadfast friend to the diffusion of education among the masses. Institutions of learning of every class and grade found him a patron and benefactor. He was particularly interested in common schools. As secretary of the Regents of the University, he drew up the report in favor of the incorporation of Union College, which contained "the earliest official recommendation of the establishment of schools, by the legislature, for the common branches of education."* As a legislator he aided in establishing the system which is now the pride of our state; and it was strengthened and perfected, in pursuance of his recommendations, and under his auspices, while occupying the gubernatorial chair.

Though Mr. Clinton possessed the learning of Scævola, he lacked his eloquence. His manner as a speaker was energetic and forcible, but not graceful. As a writer his style was polished and correct, yet it was almost too elaborate. It had the energy of Montaigne, but not the gloss, or brilliancy, or eloquence, of the classic models of the Augustan age which he imitated. The finish of the workman was perfect and complete, yet he wanted the art to conceal his labor.

Beside his state papers and decisions as a member of

* Account of the First Semi-Centennial Anniversary of Union College, (1845) p. 112, note.

the Court of Errors, and the speeches and addresses before mentioned, he left behind him an address before the Free School Society of the city of New York, of which he was president, delivered in 1809—an address before the American Bible Society, of which he was subsequently the presiding officer, delivered in 1823—and an address before the Phi Beta Kappa Society of Union College, also delivered in 1823. All these productions are characterized by great ability, and afford ample evidence of the capacity and richness of his mind and the extent of his learning.

He early attached himself to the Masonic Society, and in 1816 was unanimously elected to the highest office in that institution in the United States. His heart was full of benevolence, and no enterprise having that in view appealed to his sympathies in vain.

Different opinions have been entertained in regard to his character as a politician. This is natural,—for like Chatham he had many incongruities. He was a great statesman, and he had great faults and great virtues. He abounded in opposites, and was full of seeming contradictions. Though he loved admiration and often acted for effect, he was not a demagogue, nor did he delight in coquetting with “that many-headed monster, the mob.” He was fond of power, but a conservative in disposition, and hated, equally, federalism and Jacobinism. He was firm and consistent in his principles, yet, like Halifax, an expert “trimmer.” He was not moderate and cautious, and thus able to keep

himself in office, as Burleigh or Liverpool, but original, dashing, and dazzling, like Bolingbroke or Canning. He could not endure a rival any more than Sir Robert Walpole, nor was he disposed, upon party questions, to be either courteous or liberal toward his political opponents. In his own party he was unwilling to own or acknowledge a superior, and he thought his will should be regarded, if for no other reason, because *it was his will*.

He was ambitious,—that need not and cannot be disguised. Yet he loved his country and her institutions in all sincerity and truth. In his youth he spoke and wrote against the adoption of the federal constitution, and throughout his life he was a state-rights republican. To New York he was warmly attached. Mingled with all his aspirations was his undying love for his native state. Toward her he cherished the devotion of a son; and if, at any time adopting her noble motto—"Excelsior!"—he purposed to rise higher, it was his desire that she should be the companion of his flight.

New York, indeed, owes him a debt of gratitude, which it will be difficult to repay. "The greatest public improvement of the age," said his distinguished rival, Martin Van Buren, "was commenced under the guidance of his counsels, and splendidly accomplished under his immediate auspices."* "This state," said another prominent political opponent, "since the formation of its government,—nay more, since the settlement of the country,—has never produced an indi-

* Address to the members of Congress from New York, Feb. 1828.

vidual who has exerted so great an influence upon the interests of the state, or whose name is more likely to be perpetuated in history.”*

It is, perhaps, for the interest he took in works of internal improvement, in promoting the welfare and happiness of the American people, and of the citizens of his own state in particular, that Mr. Clinton will be longest remembered. The fame of the statesman will grow dim—the laurels of the warrior may fade—but the merits and virtues of the public benefactor will live forever in perennial bloom. Much has been said and written, and justly too, in disapprobation of the neglect of the people of New York to erect a suitable monument to his memory,—yet De Witt Clinton needs no monument. The benefits conferred by Peter and Alexander upon their country will do more to perpetuate their names and their fame than the equestrian statue or the noble monoliths that adorn the Russian Capital. The Simplon is a far prouder monument to the memory of Napoleon, than the Arc de l’Etoile. So of our Clinton,—the canals of New York, and the schools and seminaries of learning of which he was the friend and patron, are his most appropriate monuments. Of him it may be truly said, in the language of the inscription in St. Paul’s Cathedral, in honor of the great English architect—

“Si monumentum requiris—circumspice !”

* Remarks of Benjamin F. Butler in N. Y. Legislature, Feb. 1828.





JOSEPH C. YATES.

Sixth Governor of New York.

Del'd F. Michelin, Ill. Nassau St.

JOSEPH C. YATES.

AMONG the earliest settlers at Schenectady, or Corlear, as it was styled in the olden time, was Joseph Yates,—an honest, pains-taking, and enterprising English yeoman. He was a native of Leeds, in Yorkshire, and emigrated from the mother country to the colony of New York, during the troubles between Charles I. and his subjects, and shortly before the establishment of the Commonwealth.

His descendants were numerous;—but, although they preserved the patronymic of their ancestor, they soon lost their nationality, in a great degree, by frequent intermarriages with their Dutch and German neighbors. The Yates figure conspicuously in the early annals of our state, and in the Revolution they were staunch Whigs. This was the more remarkable, because the Tories were undoubtedly the most numerous in the section of country in which they resided; and with some of the prominent loyalists they were themselves connected by marriage. Nearly all the inhabitants of the valley of the Mohawk, and the intersecting vale of Schoharie, of English or Scotch descent, were Tories; but the Germans and Dutch, with the excep-

tion of those families allied to the Johnsons, or under their influence, were Whigs.

Robert Yates, one of the first judges of the Supreme Court of New York, and subsequently Chief Justice; Abraham Yates, Jun., an influential citizen of Albany, and afterwards its mayor; and Christopher Yates, the father of the subject of this sketch, were cousins, and at an early day identified themselves with the great movement which terminated in the independence of the American colonies. Chief Justice Yates was a member of the Committee of Public Safety, and of the convention that adopted the state constitution, in 1777. When a judicial appointment was tendered to him, his practice as a lawyer was extensive and lucrative. "Regardless, however, of private interest, he entered upon the duties of that office, rendered at the time peculiarly delicate and dangerous. He sat upon the bench, as a writer has expressed it, 'with a halter about his neck,' exposed to punishment as a rebel, had our efforts for emancipation proved abortive; nor were these the least of his dangers. For in counties ravaged or possessed by the enemy, or by secret domestic foes watching every opportunity to ruin or betray their country, he was sometimes obliged to hold his courts. But no dangers could appal, nor fears deter him, from a faithful and honest performance of the functions of his office."*

He represented New York in the Phila-

* Secret Proceedings and Debates of the Convention of 1787, (Richmond, 1839,) p. 330.

delphia convention in 1787, and was also a member of the state convention called to ratify the federal constitution.

Abraham Yates, Jun., was widely and favorably known for his active exertions in support of the Whig cause during the revolutionary struggle: he wrote a number of spirited patriotic articles, that were published over the signatures of 'Sidney' and 'Rough-Hewer,' and attracted much attention.

Christopher Yates was one of the leading men of Schenectady for many years prior to the Revolution. During the last French and Indian war he held a captain's commission in the provincial troops. He took part in the unsuccessful attempt made in 1758, to dislodge General Montcalm from his position at Ticonderoga, and while bravely leading his men to the assault was disabled by a severe wound. In the following year, he accompanied the army under General Prideaux and Sir William Johnson, in the expedition against Fort Niagara, and was present at the capture of that important work.

The conquest of Canada having been effected, and peace restored, he returned to his duties and occupations as a citizen. Shortly after the termination of hostilities, he was elected to the colonial legislature, and continued a member of that body for several successive years. In the stirring questions that agitated the colonies previous to the Revolution, he was deeply interested, and manifested his opinions both in action

and in word. On all occasions he boldly and fearlessly advocated a determined resistance to the oppressions of the English ministry; and when peaceful measures had failed to secure redress for the multiplied wrongs which the colonists had suffered, he was among the first to recommend a resort to force. Though allied to the notorious Butlers, whose deeds of infamy and cruelty stand out in such bold and dark relief on the pages of American history, he cherished no feeling or principle in sympathy with them.*

When the first alarm was raised, his services were offered to his country. A commission in the New York troops was tendered to him and accepted, and he was ultimately promoted to the rank of colonel. Throughout the war he was employed on the northern frontier. He was at the battle of Saratoga, and witnessed the surrender of Burgoyne. Punctual and faithful in the discharge of every duty, he gained the confidence of his superiors, and won the respect of those under his command.

Colonel Yates married Jane Bradt, whose memory is at this day affectionately cherished by her posterity, as that of an excellent and pious woman. She was descended from an old and respectable Dutch family that emigrated to the colony of New York, and settled in the lower valley of the Mohawk, at a very early period. She was the mother of several children, sons and daughters. Of the former, JOSEPH C. was the

* Colonel Yates was a brother-in-law of the son of John Butler.

governor of the state ; Henry represented the Eastern senatorial district, for a number of years, in the legislature of New York, and was a member of the council of appointment,*—he was also a delegate from the county of Schenectady to the Convention of 1821 ; John B., recently deceased, was for a long time a respectable and prominent citizen of Madison county ; and Andrew, “ the conscientious, punctual, and kind-hearted,” † was an eminent clergyman, a professor in

* This venerable and estimable man, now a resident of the city of Albany, seems to have incurred the especial displeasure of Mr. Hammond, with whom he was associated as a member of the council of appointment in 1818 ; and he is described in the Political History of that gentleman as a “ *professed* republican Clintonian,” and a bargainer for office, (vol. i. p. 458, et seq.) These calumnious imputations are in every respect unjust and undeserved. Senator Yates was an honest and high-minded politician ; one who could not be tampered with, and whose *practice* always corresponded with his *profession*. He had been the constant friend of De Witt Clinton, and believed him to be the fittest man in the state for governor ; yet his devotion to the republican party, and his attachment to republican principles, were stronger than his friendship for any man. He had been selected for the council, as Mr. Hammond is forced to admit, from necessity ; and he neither enjoyed, nor desired to enjoy, the confidence of Mr. Clinton. He may have been regarded as a Clintonian, but he was also a republican ; and he would not, like Mr. Hammond, lend himself to the views of Mr. Clinton, who desired to remove every republican from office who was not thoroughly devoted to his interests. The attempt was made in the council of 1818, but defeated by the firmness of Mr. Yates, who voted with the two Bucktail members, and thus left Governor Clinton and Mr. Hammond in the minority.

† Address of Professor Potter on the Semi-Centennial Anniversary of Union College, July, 1845.

Union College, a trustee of Hamilton College, and principal of "The Polytechny" at Chittenango. All the daughters, with one exception, are now deceased.

JOSEPH C. YATES was born at Schenectady, on the 9th day of November, 1768. His early life was not signalized by any events of particular importance. He grew up a stout, hearty lad, differing only from his fellows in exhibiting an unusual fondness for study. Nature had endowed him with a fund of strong good sense; and with an aptitude for acquiring information and habits of reflection, she had associated a cheerful and generous disposition. Inheriting many of the peculiar traits of his maternal ancestors, he adopted, in the spring-time of life, the favorite maxim of their nation—"Een-dracht maakt macht;"—and this motto, like the magic word in the Arabian tale, removed many an obstacle that obstructed his path, and served, oftentimes, to cheer and encourage him.

As the means of the elder Mr. Yates were comparatively ample, he determined to give his sons all the advantages of education which were to be obtained in that part of the colony. These were, indeed, quite limited, at that time; and during the continuance of the war with Great Britain, but little attention was paid to the instruction of the rising generation. Liberty was thought by the colonists to be "the chief good;" and when that was secured, time and opportunity would be afforded for taking care of those objects necessary to its preservation. The academy

at Kingston was the only institution of importance in the province, out of the city of New York; and most of the families in the northern counties, who were able, employed private tutors for their children. This was particularly necessary after the opening of hostilities. New York then resembled a fortified camp rather than a peaceful state. The weapons of carnal warfare stood beside the emblems of religion in the temple of God; legislators sat with arms in their hands; the farmer shouldered his musket when he went out to his daily task; and the rifle was the companion of the lover in his visits to his mistress.

At the commencement of the Revolution, Colonel Yates employed a Mr. Jacob Wilkie as his family tutor, who remained with him in that capacity for several years, and until death terminated his labors as a teacher. After the occurrence of this event, Joseph was sent to Caughnawaga, and placed under the tuition of the Rev. Dr. Romeyn, who was assisted by his son Theodoric Frelinghuysen Romeyn. In this secluded country hamlet, it was not, of course, to be expected, that a knowledge of the great world should be obtained; its follies and its vices are rarely learned amid the solitudes of nature, where nothing is in harmony with them; but they oftener flourish in the crowded seats of learning, where scholastic attainments of the highest grade are acquired,—the pure being mingled with the impure—the bright and the dark blended together.

Yet the germs of a substantial education were there planted, and with them, too,

"The seeds of Truth and Virtue, holy flowers
Whose odor reacheth Heaven!"

Joseph remained at Caughnawaga, till a residence there was deemed unsafe, on account of the repeated incursions of the Johnsons and the Mohawk leader, Joseph Brant. He then returned to Schenectady, and continued his studies with the Rev. Alexander Miller, a Presbyterian clergyman, who instructed him in all the branches of education commonly taught at colleges. Mr. Miller eventually gave up his school, whereupon a few gentlemen of Schenectady procured the valuable services of John Honeywood as an instructor. With him Joseph completed his education, and then entered the office of his father's cousin, Peter W. Yates, a lawyer of considerable distinction, and an active and leading anti-federalist, in the city of Albany. While a student at law, he was under the guardianship of his father's uncle, Abraham Yates.

Having spent the usual time in the study of his profession, he was admitted to practice, and immediately opened an office in his native town. Endeared to the inhabitants of Schenectady and the surrounding country, by his connection with the oldest and most respectable families in the Mohawk valley, and yet more, by his many kindly qualities of head and heart, he soon reaped the substantial rewards of industry and

application. A prudent and sagacious counsellor, and sufficiently able and skilful as an advocate, he secured far more than an average number of good and substantial clients, who implicitly trusted him as an adviser, and sincerely esteemed him as a friend.

But it was not only in the line of his profession that he became a useful citizen. The circumstances of his own education had shown him the necessity and importance of establishing a seminary of learning, at which all the higher studies should be taught, in the northern part of the state. With other members of his family, therefore,—and with the Glens, the Fondas, the Van Ingens, the Oothouts, the Veeders, and the Duanes,—he was very active in founding Union College. He was one of the persons to whom the funds raised by subscription were required to be paid, and also one of the first trustees named in the charter granted by the Regents of the University in 1795. He always took a deep interest in the welfare of this institution, and remained a member of the board of trustees up to the time of his decease.

In March, 1798, Schenectady was incorporated as a city,* and Mr. Yates was selected as the first mayor. The welfare of the town had ever been near to him, but from this time forward, he was particularly concerned in the promotion of her prosperity; and in return for advancing their interests, her citizens fre-

* Previous to its incorporation, the corporate property was held under letters patent granted in 1684.

quently bestowed upon him the most flattering proofs of their confidence and regard.

Mr. Yates became a voter shortly after the adoption of the federal constitution, and he was consequently too young to have participated to any great extent in the exciting contest that preceded its ratification. But his associations and sympathies were all with the anti-federalists. His legal preceptor, Peter W. Yates, was especially violent in his opposition to the constitution, and was one of the most active participants in an affray that took place between the federalists and anti-federalists of the city of Albany, in the spring of 1788. The latter had publicly burned the constitution, and the federalists attacked them with swords and bayonets. Their opponents replied with paving stones and brick-bats, and a serious conflict ensued, in which several persons were dangerously wounded. Chief Justice Yates, and other members of the family, were likewise earnestly opposed to the ratification of the constitution, and the former retired from the Philadelphia convention, because of his disapprobation of its proceedings. But when the requisite number of states had ratified that instrument, all further opposition was rendered useless and unavailing; and as the necessary steps were taken to secure the adoption of the amendments desired by the anti-federalists, the Yates acquiesced without a murmur, as did many other republicans of the straitest sect, in the decision which had been pronounced.

Joseph C. Yates united with the republican party, and supported its candidates, when he first exercised the privilege of an elector. His political preferences were decided ; but he never displayed the violence or vindictiveness of a partisan. Inducements for entering public life were repeatedly held out to him, but he preferred to follow the legitimate pursuits of his profession and to enjoy its emoluments ; or if he consented to serve his fellow-citizens in an official capacity, it was such as did not withdraw him entirely from his ordinary vocation. For more than fifteen years he devoted himself with untiring assiduity to his constantly increasing legal business, and at the expiration of that period he had the satisfaction of finding himself, not only in the receipt of a respectable income, but occupying a highly honorable position in the front rank of the bar.

Prior to the April election in 1805, a division arose between the republicans of Schenectady and Albany, in regard to the selection of a candidate for senator from the eastern district ; those residing in either city claiming, respectively, that the choice of one of the candidates belonged to them, in preference to the others. As the matter could not be compromised or settled, the republicans of Schenectady inserted the name of Joseph C. Yates, on the ticket with the other nominees of their party in the district, and the republicans of Albany adopted John P. Quackenboss as their particular candidate. The latter received the countenance

of the Albany Register, the leading republican paper in the state, and by that means, a greater proportion of the republicans in the district were induced to cast their votes in his favor. But Mr. Yates was exceedingly popular in his own vicinity, where he received an almost unanimous vote, and the federalists generally supported him. With their assistance, in addition to that of his republican friends, he was elected over Mr. Quackenboss by a large majority.

Mr. Yates continued to practice his profession, after his election to the senate, with the same zeal and fidelity which had characterized him in former years. As his legislative duties engrossed but a small share of his time, the interests of his clients were not permitted to suffer through his inattention or neglect.

The election of Daniel D. Tompkins as governor of the state, in 1807, and his consequent resignation of the judicial office which he had previously held, occasioned a vacancy on the bench of the Supreme Court. There were several competitors for the appointment, and among others, Mr. Yates was warmly urged by his numerous friends in the legislature from the western counties. Besides their influence, which was by no means inconsiderable, he received the powerful support of De Witt Clinton, whose good wishes, at that day, were almost a *sine qua non* to the political aspirant, if he hoped or desired to achieve success. Thus strengthened, the application made in behalf of Mr. Yates was favorably considered, and in the month of

February, 1808, he was duly appointed one of the judges of the Supreme Court of New York.

As a judge, he was distinguished for his plain and practical common sense, for his uprightness and impartiality, and for the courtesy and urbanity which gained him the respect and esteem of the profession and the public. Able jurists have adorned the New York bench,—more learned lawyers have pronounced the decrees of the blind goddess whom they served,—but none ever brought to the office greater honesty or integrity. Though he made no startling display of legal knowledge and acumen, he committed very few mistakes. His perceptions were not rapid, yet his judgment was clear and accurate, and his decisions were rarely incorrect. If he committed errors, however, he was prompt to acknowledge them, and to suggest the appropriate remedy.

Since the convention of 1821, a great and manifest change has taken place in the conduct of our higher judicial officers, with reference to the politics of the state. Previous to that time they frequently took a deep interest in political movements and discussions, and their interference was not considered at all inappropriate. The ermine of the judge was not thought to be soiled if he appeared at the hustings, and if he laid aside his judicial robes to harangue his fellow-citizens at a party gathering, no one called his conduct in question. "It was the fashion of the day, and the

error of the times."* Judge Yates probably concerned himself less with politics than most of his associates, but he never refrained from the free expression of his opinions, and his position was well understood. He supported the administration of Jefferson and Madison, and sustained Governor Tompkins while he was at the head of the state government. In common with the great body of the republican party in New York he approved of the nomination of De Witt Clinton as a candidate for the presidency, in opposition to Mr. Madison, in 1812, and his name was placed at the head of the Clintonian electoral ticket chosen by the legislature in November of that year.

In the month of February previous, Judge Yates was also complimented with an appointment as one of the Regents of the University, which station he held for about twenty years.

Notwithstanding his support of De Witt Clinton, Judge Yates was warm and decided in his approbation of the war measures of the state and national administration. He was likewise a sincere friend to the canal policy with which Mr. Clinton became identified; and he adhered to that gentleman personally, until, as he thought, there was too close a connection between him and the leaders of the federal party. In 1817, he was urged by his friends to become a candidate for the gubernatorial nomination in opposition to Mr. Clinton, but he declined giving the desired permission to use

* Defence of Judge Spencer.

his name. He subsequently acted, however, with the "Bucktails," and gave his support to the project of calling a convention to amend the state constitution.

After a long struggle between the Bucktails on the one side, and the Clintonians and federalists on the other, the convention law was passed, and in the fall of 1821 a new constitution was framed and adopted. The term of office of the governor, previously fixed at three years, was now reduced to two; and a new election, therefore, was made necessary, in the fall of 1822. The opposition of De Witt Clinton and his immediate friends to the project of calling a convention, or, at least, their tardy acquiescence in the decision of the people, as authoritatively expressed at the polls, had rendered him temporarily unpopular, and it was quite evident that he could not be re-elected. He was not himself disposed to retire from the field, and many of his most enthusiastic admirers insisted that he was absolutely invincible; but he finally adopted the advice of his more intelligent and sagacious friends, and wisely concluded not to risk his name before the electors of the state at this peculiarly unpropitious juncture.

A number of candidates for the republican nomination for governor, were proposed by their respective friends, either with or without their own consent, but the list of rival claimants was ultimately reduced to two—Judge Yates and Samuel Young. The latter was the favorite candidate of the ultra republicans, and of the younger and more ardent members of the party;

while the former was preferred by the old and experienced politicians. At the caucus of the republican members of the legislature, Judge Yates received a large majority of votes over his competitor, and was declared regularly nominated. Without their own chosen leader, the Clintonians were utterly powerless; and as they felt assured, from their knowledge of the man, that the course of the republican nominee, if elected, would be mild and conciliatory, they did not bring forward a candidate. The election was almost unanimous. Over one hundred and thirty thousand votes were taken, all of which, with the exception of about three thousand thrown in favor of Solomon Southwick, a self-nominated candidate, were given for Judge Yates. The republican candidate for lieutenant-governor at this election, was Erastus Root, who received the same unanimous vote. An entire new senate was likewise chosen at this time. All the senators elect, and five sixths of the members of assembly, were republicans.

On the 1st day of January, 1823, Judge Yates took the oath of office as governor of the state. From a cursory glance at his position, it might be inferred that his administration commenced under the most favorable auspices. But this was not so in truth—appearances were grossly deceptive. The vote was altogether too unanimous. Had there been an opposing candidate supported by a powerful minority, the necessity of the case would have secured the preservation of a

tolerable degree of harmony and good feeling in the ranks of the dominant party; but as it was, the latter were so largely in the majority, they fancied they could do pretty much as they pleased. The old constitution had been swept away, and with it all the superstructures, which were now to be constructed anew, after a different model, and upon a different foundation. The work of remodelling the laws, and adapting them to the new order of things, was comparatively easy, but this was not the only, nor the great difficulty. The tenure of a thousand different offices had been changed, and many additional ones had been created. All these were to be filled; for each place there was a score of applicants; and when the time came for making the selections, divisions and heart-burnings, strife and dissension, were to be anticipated. Who, then, could envy Judge Yates his position?—who wonder that he committed mistakes?

Hitherto it had been customary for the Executive to address the two houses of the legislature, in an oral speech, at the opening of the session; but the more appropriate method of communication, in a republican government, by written message, was now substituted. The first message of Governor Yates, delivered at the annual session, which commenced in January, 1823, was brief and pertinent, and in all respects a creditable production. It was principally confined to the recommendation of various laws, the passage of which was required in order to carry the new constitution

into full effect. He further commended caution in making changes, the encouragement of domestic industry, and economy in the public expenditures as connected with the important works then rapidly approaching completion.

There was no longer a council of appointment, and all nominations, except for the higher state offices, were to be made by the governor to the senate, for their approval and confirmation. "Early in the winter, the city of Albany was thronged with the place-hunters, whose appetites had become keenly whetted since the ratification of the constitution. Like jackals they had scented their prey afar off, and were already congratulating themselves, in expectancy, upon the anticipated banquet they were soon to share, over the victims of the civil revolution which had just been effected. All the hangers-on of the political party then in the ascendancy, were exceedingly anxious to mend their 'battered and bankrupt fortunes,' and the first to make known the important sacrifices they had made in the cause of popular liberty. Among the numerous expectants of official preferment, and the eager aspirants to place and power, there were, no doubt, many honest and deserving men; and it is a singular fact, that most of the selections made by Governor Yates, out of the incongruous mass that blockaded the capitol, were highly judicious and appropriate."

One of the most important questions agitated and

discussed among the politicians assembled at Albany, was, whether the governor would nominate, and the senate confirm, the old judges, for places on the bench of the new Supreme Court. Mr. Yates was sincerely desirous of acting in accordance with the wishes of his friends; but, at the same time, he was constitutionally opposed to innovation and change, and he desired to take good care that the interests of the people should be protected. After some hesitation, he sent in the names of three of the old judges, which was the requisite number for the new court. Two of the nominees—Ambrose Spencer and Jonas Platt—were especially obnoxious to most of the republican senators who belonged to the legal profession, and the nominations were promptly rejected. The governor instantly corrected himself, and sent in other names, which were approved. On another occasion, he nominated a federalist for the unimportant office of notary, but the senate refused to confirm the nomination. In the main, however, the appointments of the governor were satisfactory to his political friends. Where an appointment was to be made for a particular locality, he always consulted the leading men belonging to the party who resided in the vicinity; and where county conventions were held, he usually adopted their recommendations.

“The head of a party,” said Cardinal De Retz, “can do what he pleases.” However true this may be in monarchical governments, it is the exception, rather

than the rule, in a republic. We have had but one Washington, and but one Jackson.—The great unanimity with which Governor Yates had been elected, had served to impress him with some extravagant notions in regard to his popularity, which, in the sequel, he learned to estimate at their proper worth. Although he was elected without opposition, he was none the less the candidate of a political party. For the time he was its nominal leader, but he was also the servant of an army of sovereigns, and the same power that made him, was strong enough to unmake, whenever it thought proper so to do.

Pending the exciting canvass that preceded the election of Mr. Munroe's successor, the question of giving to the people the choice of presidential electors was agitated in New York, and the fall election in 1823 was more or less affected by it. As this matter will hereafter be examined in detail,* it is only necessary to remark in this place, that, in its origin, the movement was a mere electioneering device, and yet it added a great deal to the embarrassments of Governor Yates' position, and contributed to render him unpopular with his party, though every one admitted his motives to be good and his intentions well-meant.

The proposition was a captivating one, and had it been brought forward with the understanding, that, if adopted, it should go into effect *in future*, no plausible objection could have been urged against it. But the

* See Memoir of Silas Wright, in the second volume.

design of its authors was to defeat the election of Mr. Crawford, and to give the *coup de grace* to his presidential aspirations,—and the reader, if he be familiar with the political history of the country, need not be informed that the project was successful.

Long before the New York legislature assembled for its annual session, in January, 1824, it was generally known that this subject would be brought forward for the consideration of its members at an early day. So much had been said upon the question, during the few months previous, that Governor Yates thought his duty required him to refer to it in his message:—"The choice of electors of president and vice-president," said he, "has excited much animadversion throughout the nation; and it is to be regretted, that a uniform rule on this subject is not prescribed by the constitution of the United States. It is manifest, that the manner of electing may have an essential effect on the power and influence of a state, with regard to the presidential question, by either dividing the votes, or enabling the state, with greater certainty, to give an united vote; and until a uniform rule is ingrafted in the constitution of the United States, the manner of electing will continue to fluctuate, and no alteration made by any one state, will produce a material change in the various modes now existing throughout the Union. In some states the people will vote by a general ticket; in some by districts, and in others by the legislature; and no practical remedy probably does

exist, competent to remove the evil effectually, except by an amendment of the national constitution.

“Although this state has heretofore sanctioned an attempt to accomplish that important object, which proved unsuccessful, the measure on that account should not be abandoned; and as the subject has recently been brought before congress, it is to be expected that another opportunity will shortly be presented for the legislature of this state to sanction an amendment, not only establishing a uniform rule in the choice of electors, but also securing the desirable object of directing such choice to be made by the people. A more propitious period of evincing its propriety, and consequently affording a more favorable prospect of obtaining a constitutional number of the states to assent to it, I am inclined to think has not presented itself since the organization of the government. Persuaded that you, as the representatives of a free people, will only be influenced by reason and true patriotism, it is submitted to your wisdom and discretion, whether, under existing circumstances, the present manner of choosing electors ought, at this time, to be changed.”

Governor Yates' style as a writer was somewhat involved and obscure, but the only fair construction to be put upon his language is, that he desired a change to be made in the manner of choosing presidential electors, but preferred to have it general throughout the Union, and, to that end, looked to congress to adopt some one of the various propositions then pending be-

fore it. In the meantime, in his opinion, it was not advisable for the legislature to interfere, or to surrender their right to make choice of the electors.

In the same message, the governor repeated his recommendations of the previous year, with respect to the encouragement of domestic manufactures by the imposition of duties on foreign goods imported into the country, the revision of the statutes of the state, and the economical appropriation of the public moneys.

A heated and angry debate took place in either branch of the legislature, upon the proposition to change the electoral law of the state. A bill at length passed the assembly, authorizing the people to choose the electors by general ticket, but by a majority of votes, instead of a plurality, as was desired by the original friends of the measure, who termed themselves "The People's Party." In the senate, after considerable discussion, the whole matter was disposed of, by the adoption of a resolution directing its further consideration to be postponed till the first Monday in November following, at which time the legislature was required to meet by law for the purpose of choosing presidential electors.

Very soon after Governor Yates entered upon the discharge of his executive duties, the friends of Mr. Young began to express their dissatisfaction with his course; and in a short time, quite a list of grievances, most of which, however, were entirely fanciful, was

accumulated against him. He was also attacked, most ungenerously and unjustly, in the public prints, in a number of satirical articles written by De Witt Clinton, or his personal friends. Although these attacks annoyed him exceedingly, he was too easy in his disposition to make any very serious efforts to counteract the machinations of his enemies. The current was setting against him, but he had not the nerve and intrepidity requisite to stem it triumphantly. It was charged by his opponents, that the resolution of the senate postponing the consideration of the electoral bill, was adopted in pursuance of his advice. This he emphatically denied; and the charge was undoubtedly without foundation. Most of the prominent leaders of the republican party adhered to him faithfully, and insisted that he was entitled to a renomination. But the decision of the legislative caucus, held in April, 1824, was adverse, and the nomination was conferred on Colonel Young. The People's Party also held a caucus, but they concluded to nominate the gubernatorial ticket at a convention of delegates to be held in the ensuing month of September.

After the adjournment of the legislature, and during the entire summer and fall, the state was constantly agitated by the jarring strifes and controversies of opposing factions. Everything was in disorder. The senators who had voted for the postponement of the electoral bill were denounced in unmeasured terms; and yet they and their friends supported the republican

nominee for governor, who had avowed himself in favor of the proposed change in the mode of choosing electors. De Witt Clinton had been removed from the office of canal commissioner, and public sympathy was aroused in his behalf; but some of the leading People's men, who ultimately nominated him as their candidate for the gubernatorial office, had voted for his removal. The charmed pot of the weird sisters did not exhibit ingredients more various, elements more diverse, than were here presented.

Governor Yates could not but feel aggrieved at the manner in which he had been deserted by his friends; and it is possible that, amid the general confusion in politics, he might have fancied that the People's convention would decide to give him their support, provided he could assure them of his readiness to support their favorite measure. This he was able to do, because the adjournment of congress without adopting any general provision as he desired, convinced him that no change could be effected through their instrumentality. He therefore issued a proclamation on the 2d day of June, requiring the legislature to assemble on the 2d of August, alleging, among other reasons, for calling an extra session, that the people were justly alarmed lest their undoubted right of choosing the presidential electors should be withheld from them.

This movement was an unhappy and ill-timed one; and it tended to estrange from the governor many of his republican friends who up to that moment had con-

tinued to adhere to him. The legislature assembled in accordance with the proclamation, but they refused, by a large majority, to transact any business, and after a brief session of four days they again adjourned.

At the expiration of his term of office Governor Yates finally retired to private life. He resumed his residence at Schenectady, and amid the scenes of his youth, with the associates and playmates of former years, grew old together. He remained attached to the republican party, and supported the administration of Andrew Jackson, and that of his successor. He rarely took any active part in the political contests of this period, and his last appearance on an occasion of that character, was as the president of an "indignation meeting," called in the winter of 1832, by the democrats of Schenectady, to express their dissatisfaction at the rejection of the nomination of Martin Van Buren as minister to England.

Having attained a venerable age, "like a sheaf of corn fully ripe," he was at length gathered to his fathers. He died in the city of his birth, and of his residence for the greater portion of his life, on the 19th day of March, 1837.

Governor Yates was married three different times. His first wife was Mrs. Ann Ellice, of Schenectady, by whom he had no issue. For his second wife he married Miss Maria Kane, a resident of Albany; she bore him one daughter, who became the wife of John Keyes Paige, for many years a clerk of the Supreme

Court, and afterwards mayor of Albany. His third wife was Ann Elizabeth Delancy, who is now living, and by whom he had two daughters; one of them married Mr. J. D. Watkins, of Georgia, and the other is the wife of Samuel Neal, of New York.

In person, Governor Yates was rather above the medium size and height. His appearance was dignified, and his manners easy and courteous. In his deportment he was modest and unassuming. He was cautious and reserved to a degree bordering on timidity. He did not possess, in the extreme sense of the word, a vigorous mind, but it was well-balanced and disciplined. His deliberations were slow in coming to maturity, but his conclusions were generally very correct.

In all the private relations he was every way estimable. But as a public man, as a politician, he was not calculated to succeed. He was prudent overmuch, and he lacked the boldness and energy, for want of which the most brilliant talents are oftentimes doomed to experience the bitterness of disappointment.

MARTIN VAN BUREN.

WITH the eminent statesman whose name stands at the head of this biographical sketch, a new race of governors came upon the stage. Each one of his predecessors either took part in the Revolution, or was old enough to participate in its closing scenes,—but when he first drew breath, its rolling thunders were rapidly dying away, and ere he arrived at the age of manhood, its memories were among the hallowed treasures of the Past. In his inaugural address as president of the United States, there is a happy allusion to this fact. “Unlike all who have preceded me,” said he, “the revolution that gave us existence as one people was achieved at the period of my birth; and while I contemplate, with grateful reverence, that memorable event, I feel that I belong to a later age, and that I may not expect my countrymen to weigh my actions with the same kind and partial hand.”

Mr. Van Buren was the first representative of the original Dutch settlers of New York, who was elevated to the high office of chief magistrate of the state. His ancestors, on both sides, were among the early emi-



MARTIN VAN BUREN.

Seventh Governor of New York.

Lith. F. Michelin, Ill. Nastau, S^t N.Y.



grants from Holland, who settled upon the manor of Rensselaerwyck, in the then colony of New Netherlands. His father, Abraham Van Buren, was an humble tiller of the soil, and occupied a farm near the present town of Kinderhook. He was in moderate circumstances, but highly respected among his neighbors, as he deserved to be ; for wealth, like rank, "is but the guinea stamp." By his children, and by those of his associates and cotemporaries who still survive him, he is remembered as a man of sterling character, of practical good sense, firm and decided but kind and amiable in his disposition, and of exemplary conduct in all the relations of life. He married the widow of a Mr. Van Alen, and a distant connection of his family. Her maiden name was Hoes, or, as it was originally written, Goes,—the former being the corruption of a name not undistinguished in the annals of old Netherlands. Pride of birth, however, has never been cherished by her descendants ; and it is barely possible that they have inquired, whether their maternal ancestors belonged to the Gueux, or to the party of Granvella or Alva,—whether they fought with the Prince of Orange, or with Don John of Austria.*

* There is an anecdote told of Mr. Van Buren which may not be inappropriate here, although it needs what the lawyers call "a verification,"—for anecdotes of public men, in nine cases out of ten, are mere fables,—yet this is not at all inconsistent with his character, and it can do no harm to repeat it. During Mr. Van Buren's brief mission to England, it is said, he attended one of the soirées of Queen Adelaide, at which, in a conversation with him, she inquired how far back he

The mother of Mr. Van Buren is said to have been a woman of rare excellence and worth, sincerely pious, and gifted with more than ordinary intelligence and sagacity. Both his parents lived to witness the brilliant professional triumphs of their son, and to see him making an assured progress on the road to distinction and fame. The father died in 1814, and the mother four years later, in 1818. They were the parents of five children, three sons and two daughters. Martin, the eldest son, was the future governor and president; Lawrence followed the occupation of his father, and now resides on the farm belonging to him in his lifetime; and Abraham A., like his elder brother, studied law, practiced for several years in the city of Hudson, and filled the office of surrogate of the county.

MARTIN VAN BUREN was born in the present town of Kinderhook, in Columbia, then Albany County, on the fifth day of December, 1782. The pecuniary means of his father were quite limited, and he was unable to afford his son anything more than a common education. In his early boyhood the latter had manifested a fondness for reading, a quickness of apprehension, a shrewdness of observation, and an aptness of remark, that denoted a superior mind, and augured well for the future.

could trace his ancestry? "As far back as Kinderhook, may it please your majesty," replied Mr. Van Buren, with the grave urbanity characteristic of him. Supposing the name to be that of some distinguished aboriginal chieftain, the fair descendant of a long line of German princes paid still greater deference to her guest.

Encouraged by the advice and approbation of his relatives and friends, he zealously pursued the studies usually taught in the common schools of that day, and afterward entered the academy in the village of Kinderhook. Here he made himself a tolerable proficient in all the higher branches of a course of English study, and acquired considerable knowledge of Latin.

At the academy, young Van Buren was distinguished not only for his industry and application, but for his unwillingness to take anything upon trust, and his consequent habits of investigation and reflection. He was fond, too, of argumentative discussions; he had never studied dialectics as taught in the schools, and knew but little about Aristotle or Locke, yet he was a natural logician, and handled the weapons, of whose very names he was ignorant, with great skill and ability. He was ambitious to surpass his companions in extemporaneous speaking and English composition, and many were the encomiums he received for his superior excellence in these respects.

It must not be supposed, however, that Mr. Van Buren obtained anything like a finished education. It was only a bare introduction to knowledge that he received, and at the early age of fourteen years, he left the academy forever, and commenced the study of the law. Except as it depended upon his own exertions, in his leisure hours, without a teacher, or any extraneous assistance beyond the occasional advice of a few kind friends, his education was completed.

Such, and so comparatively unimportant, was his preparation for the study of that great science, which has been pronounced "the perfection of human reason." The members of the profession which he had embraced were then distinguished, even more than now, for high scholarship; and as Sydney Smith once said of educated men in England, Greek and Latin had become among them "almost the only test of a cultivated mind."* But of classical literature young Van Buren knew barely the elements, and though he labored assiduously while engaged in his professional studies, to correct his deficiency in this respect, his talents, because of it, have ever been underrated by men of first-rate acquirements.

The attainments of the scholar cannot be valued too highly, yet they are not always absolutely necessary to success; and "self-made men"—as they are perhaps incorrectly termed, because it seems like elevating the mere creature above the Creator—do not so often fail for the want of these, as they mar their fortunes by the self-sufficiency and presumption, to which as a class, they are exceedingly prone. Mr. Van Buren was destined to be the artificer of his own fame, and to native talent of a high order he added the caution and tact that restrained him from presuming too much. He had not the varied knowledge of Crichton or Brougham, but he possessed that true intellectual strength, which, like the holy sword of Thalaba, is all-powerful in driving

* "Professional Education"—Edinburgh Review, 1809.

away those dark sorcerers that ensnare the mind, Error and Ignorance. He had, also, something of that innate genius which gives life to the dull marble, inspiration to the poet and the orator, victory to the warrior, skill to the statesman, and a soul and a spirit to the coruscations of eloquence and the sallies of wit. He was cheered, too, by the examples of Kepler and Ferguson, of Eldon and Erskine, of Franklin and Henry. Thus gifted, and thus encouraged, he could not fail.

Truly, there can be no nobler sight in the universe, than that of a young man boldly entering the arena of professional life, bearing his torch proudly like the young champion in the grove of Academus, and alone and unaided carving out for himself a high destiny! There is something almost more than human, in his earnest and protracted effort to achieve a reward worthy of a life of toil and care,—in the stern purpose of soul, and the burning impress of constant and unwearying thought, glowing upon the brow where Genius has erected her altar and lighted her vestal flame. His faculties may be taxed to the utmost, but the lofty spirit and indomitable will must triumph in the end. The consciousness of the possession of mental power buoys him up and sustains him; it arouses all his energies into vigorous action; it brings out all the finer and choicer attributes of his nature, as does the sunlight the gorgeous colors of the blossom; and it points him, in the language of encouragement, to the bright Beyond which he may hope to reach. He cannot be

faithless to his trust, for he knows and feels, that he has within him an emanation from the great centre of intellect and mind,—that “God’s mysteries are there !”

In 1796, while yet in his fourteenth year, Mr. Van Buren entered the office of Francis Sylvester, a highly respectable lawyer in Kinderhook. As he had not received a collegiate education, nor spent any time in studying the classics after the age of fourteen, his term of clerkship, of course, was seven years. His legal studies, and the copying and drawing papers and pleadings usually performed by a lawyer’s clerk, did not engross his whole time ; but he found considerable leisure, which he wisely improved, for reading history, for making himself familiar with general literature, and increasing his knowledge of the more important sciences the study of which he had commenced at the academy. At this period there was a great deal of litigation in Columbia county,—though not more than in other counties of the same amount of population,—and much of this originated in courts of justices of the peace. These tribunals afforded to the law student a fine field for improvement in public speaking, in examining witnesses, in arranging testimony, in sharpening the perceptive faculties, and in exercising and disciplining the judgment. They were schools, too, in which human nature could be studied in all its phases and characteristics.

Mr. Van Buren often appeared in the justices’ courts in Kinderhook and the neighboring towns ; he was some-

times pitted against the veterans of the Columbia bar, and on one occasion, when in his sixteenth year, tried an important cause against two of its ablest members. This kind of discipline not only fitted him for the active duties of his profession, and laid the foundations of that skill and ability which he afterward displayed as an advocate, but it furnished him, at the same time, with the means of support.

While a student, he was also an active politician. His father had been a warm whig during the Revolution, and was afterward equally zealous in the support of George Clinton and Thomas Jefferson. The son inherited his party predilections, and though the republicans were in a small minority in the county, and the wealth and patronage, and the talent too, were arrayed on the federal side,—nothing daunted at the disparity in numbers and in strength, he placed himself among the opposition. His legal preceptor was a federalist, but the ties of friendship were less powerful than the convictions of his judgment. He made himself familiar with the political intelligence of the day, attended the meetings and conventions of his party, and watched the movements of men and things with a keen and sagacious eye. During the great contest between Adams and Jefferson, in 1800, he advocated and defended the republican principles he had espoused, with all the ardor of a lover. Notwithstanding his youth, he frequently made speeches at the republican gatherings, and wrote resolutions and addresses; and in the

fall of 1800, being then less than eighteen years of age, he represented the republicans of his native town in the Congressional Convention for that district.

The last year of Mr. Van Buren's clerkship was spent in the city of New York, in the office of William P. Van Ness, who was eminent both as a lawyer and as a politician. Mr. Van Ness was a leading member of the republican party, and was appointed by President Jefferson, a few years later, to the office of District Judge for the Southern district of New York. He was, also, a warm friend of Aaron Burr, who frequently visited him at his office. In this manner Mr. Van Buren became acquainted with the vice-president, and was honored with his particular notice and regard. It was a prominent trait in the character of Mr. Burr, to seek the acquaintance and friendship of promising young men of his own party, and they, in turn, were inclined to regard him as a political oracle. At this time he probably anticipated his nomination for governor in the spring of 1804, and on learning that Mr. Van Buren was an active politician and wielded considerable influence in Columbia county, he manifested toward him more than ordinary kindness. Mr. Burr was undoubtedly a great political tactician, but the young law-student seems to have already learned a lesson which his friend did not teach, either by precept or example,—and that was faithfully to adhere, at all times, to the nominations of his party. It will be seen, therefore, that the flattering attentions of this distin-

guished man were insufficient to detach him from the support of the regular republican candidate.

Just before he completed his twenty-first year, in the month of November, 1803, Mr. Van Buren was admitted to the bar of the Supreme Court of New York as an attorney at law, and immediately returned to Kinderhook to practice his profession. By her first marriage with Mr. Van Alen, his mother had two sons and a daughter. The sons, John I. and James I. Van Alen, were both extremely kind to their half-brother Martin, and the former assisted him considerably while he was pursuing his professional studies. James I. was now a lawyer in Kinderhook, in good practice, and, being also an active politician,* he needed a partner in his business. Accordingly, upon the admission of Mr. Van Buren to the bar, a connection was proposed between them and at once formed.

The bar of Columbia county presented at this time a most brilliant array of intellectual strength. At its head were William W. Van Ness, Elisha Williams, Thomas P. Grosvenor, and Jacob R. Van Rensselaer, all prominent federalists, and equally distinguished as lawyers and politicians. Against such competitors Mr. Van Buren was obliged to contend, at the very outset of his professional life. The influence of a powerful party was, in great part, adverse to his success, and ultimately decidedly hostile to him. His energetic industry and promising talents had attracted notice, however, and

* Mr. Van Alen was a representative in Congress from 1807 to 1809.

were well appreciated by his political opponents. Great efforts were made by his federal friends and acquaintances, and by Mr. Sylvester, and his partner and half-brother, Mr. Van Alen, to win him over to their side. The inducements held out to him were many and powerful; for, in addition to the private friendships which he had formed, and desired to cherish, the landed aristocracy of the county, the wealth, the power and patronage, were with the federalists.

None of these influences or considerations were sufficient to detach him from the party with which he had united ere he arrived at the age of manhood. Sprung from the humbler ranks in life, his sympathies were with the people. Without money or influential connections, and relying solely upon his own energies and talents, he won his way to distinction. The federalists saw that he could not be swerved in his political course, and they turned upon him the whole weight of their artillery. The republicans, few though they were in number, admired both his spirit and his talents; they rallied around him, and he was soon the leading lawyer of his party in the county. His business increased, and his clients daily became more numerous. All this while he was an active politician; yet in this respect his position could hardly be considered an enviable one. The fire of party spirit burned intensely, and its influence was felt in every relation of life:—it consumed the ties of friendship; it gave additional heat and bitterness to business strifes and contentions;

and in the breast of the judge, it warmed into life feelings of partiality and favoritism.

Though Mr. Van Buren was then, as he ever has been, distinguished for his unfailing courtesy toward his political opponents, he was attacked by the federal press, and by the speakers in that interest, with unusual zeal and animosity. His humble origin was referred to in the language of contempt; his character was traduced, and his talents depreciated. Being slight of frame, and moderate in stature, his person was also sneered at; but those who watched his course attentively, must have been reminded of Boswell's description of Wilberforce when addressing the electors of York from the hustings, after his triumphant return in 1784;—"I saw," said he, "what seemed a mere shrimp mount upon the table, but as I listened, he grew and grew, until the shrimp became a whale."—So Mr. Van Buren, as the difficulties multiplied in his path, bore himself with greater manliness, and in a very few years he stood beside the ablest of his federal compeers, in the front rank of the Columbia bar.

In 1806 Mr. Van Buren was married to Hannah Hoes, a distant connection of his by the mother's side, and whose brother had married one of his sisters. The attachment which had thus ripened into marriage was formed in early life, and consummated as soon as Mr. Van Buren's circumstances would permit. His wife was a most estimable woman, as well in disposition as in character; and how sincere and ardent was his af-

fection, may be inferred from the fidelity with which he has treasured the memory of her who has

"gone before
To that unseen and silent shore."

She died of consumption in 1818, and he has ever since remained a widower. By her he had four sons, John, Abraham, Smith Thompson, and Lawrence. John was for a long time a prominent lawyer and politician in the city of Albany; from 1845 to 1848 he was attorney-general; he is now practicing his profession in the city of New York with eminent success; and there is probably no man of his age who wields a greater influence in the democratic party of the state. Abraham was educated at West Point, entered the army, and rose to the rank of major in the second regiment of dragoons; after serving a few years in this position, he resigned on account of his ill health, but during the war with Mexico he offered his services to the government, and received the commission of paymaster.

In 1804, notwithstanding his personal friendship for Mr. Burr, who was supported for the office of governor by the federalists and a small fraction of the republican party, Mr. Van Buren gave his vote—the first he ever deposited in the ballot-box—for General Lewis, as the regular republican nominee. For the same reason he supported Mr. Tompkins in 1807, in opposition to Governor Lewis, then a candidate for re-

election under circumstances similar to those of Colonel Burr three years previous.

At the election in 1807 the united forces of the Lewisites and federalists were defeated ; Mr. Tompkins was chosen governor, and with him a majority of the republican candidates for the legislature. In the following winter, therefore, a new council of appointment was selected, by which most of the Lewisites and federalists were removed from office, and their places filled with republicans. The first official distinction which Mr. Van Buren ever received was conferred upon him by this council. On the 20th of March, 1808, he was appointed Surrogate of the county of Columbia.

In consequence of this appointment, and in the hope of adding to his professional business, necessarily limited in a place so retired as Kinderhook, Mr. Van Buren determined to remove to Hudson, the county seat, which he accordingly did toward the close of the year. His reputation as a lawyer had already extended beyond the limits of the county, and his removal to Hudson was followed by an increase of business. Wealth, and the honors of the profession, constantly flowed in upon him. Mr. Van Ness had now been appointed one of the Judges of the Supreme Court of the state, and there remained no one at the bar of the county to dispute the superiority with him except Elisha Williams, also a resident of Hudson.

Mr. Williams and Mr. Van Buren were almost always arrayed against each other. The former was no

mean antagonist, and before a jury was probably more effective than his rival. Both were able reasoners, but Mr. Williams dwelt too much upon the strong points of his case and amplified and illustrated them, while Mr. Van Buren was systematic and concise, though he neglected nothing. Both possessed eloquence, but that of Mr. Williams was extraneous to his argument, while that of Mr. Van Buren was inherent in it. Mr. Williams was imaginative and a splendid declaimer, and his oratory told in the jury-box. Mr. Van Buren was clear, plausible and convincing, and consequently more successful with the Court. The one trusted too much to his own genius, but the other was careful to prepare himself properly for every professional encounter.

Mr. Van Buren, however, had not pursued as thorough a course of legal reading and study as he desired to do, on account of the constant employment of his time in his practice, but upon his removal to the county seat, he found that his business, though more extensive, did not call him so much from home, and he determined to remedy the difficulty before it was too late. "He purchased a very extensive and well-selected library which had been the property of an eminent lawyer, then deceased, and devoted his best energies to a systematic and extended course of reading. But he made no parade of his assiduity; indeed, his habits were rather fitted to conceal it. During the busy part of the day, he was seen constantly mingling in conversation, or

engaged in his ordinary business, with those who had occasion to consult him. He mingled with freedom, and even with zest, in the social circle and more formal visiting assemblies; and in the habitual cheerfulness of his manner there was nothing to indicate the severe student. He chose that his industry should rather appear by its proper fruits at the bar, than be indicated by morose infractions of social customs, or the anxious, care-worn visage, which many put on, as an evidence of severe thought. But in the stillness of the night, he buried his whole soul in the researches of legal science. At that propitious season, he knelt at the shrine of that 'jealous mistress which allows no rival,' and communed with those eloquent oracles of enlightened reason, which are too often allowed to repose in silence on the dusty shelf."*

Throughout the administration of Mr. Jefferson, the subject of this memoir was among the warmest and most active of his friends and supporters. He approved of the restrictive policy, and, generally, of all the prominent measures affecting the domestic or foreign relations of the country. In 1808, his preferences were for George Clinton as the successor of Mr. Jefferson, but he cheerfully acquiesced in the decision of his party in favor of Mr. Madison. In 1810 he supported Governor Tompkins for reëlection. In the following year he signalized his attachment to the venerable Clinton

* Holland's *Life of Van Buren*, p. 60.

by justifying and defending his casting vote against the re-charter of the old bank of the United States.

In 1812, Mr. Van Buren opposed with all his ability and influence the proposition to charter the Bank of America, and warmly sustained Governor Tompkins in his prorogation of the state legislature. At a republican convention held in Columbia county, he delivered an able speech upon this subject, and procured the adoption of a series of resolutions denouncing and condemning the incorporation of the bank.

Previous to the annual election in the spring of 1812, Mr. Van Buren was put in nomination by the republicans of the Middle District, to which Columbia county belonged, as their candidate for State Senator. His opponent was Edward P. Livingston, a Madisonian republican and a friend to the Bank of America. Mr. Van Buren was the regular candidate of his party, but Mr. Livingston, who was then a member of the Senate and afterward voted for the bank charter, received the support of the interest advocating it, and of the entire federal party of his district, in addition to that of his Lewisite friends. The former was successful, in spite of the influences opposed to his success; yet his majority was only two hundred in a poll of twenty thousand votes. From this time he remained almost constantly in public life, up to the period of his retirement from the presidency.

Elected to the New York Senate as a Clintonian republican, Mr. Van Buren would have been faithless

to his friends had he not supported De Witt Clinton at the presidential election in 1812. He was not a member of the legislature by which that gentleman was originally nominated, but he undoubtedly approved of its proceedings. His support of Mr. Clinton was an error, perhaps, but after his election to the Senate he could not well have avoided it. Admitting that he erred in this respect, it will not appear at all strange, when we reflect that more than three fourths of the republican party in New York were ardently in favor of Mr. Clinton.

It is a gross mistake, however, to charge Mr. Van Buren, as has been done in the heat of party contests, with opposition to the war of 1812. He approved of all the war measures adopted at the congressional session of 1811-12, including the declaration, and the records of the New York legislature show that he sustained the national authorities, from first to last, to the utmost of his ability. Had he not been convinced that the war would be prosecuted with greater vigor and energy under the auspices of Mr. Clinton than under those of Mr. Madison, he would have withheld his support from the former even at the last moment. But such was his firm conviction; and, considering the character of the two men—the one bold and decisive, and the other timid and hesitating—it is impossible to see how he could have arrived at a different conclusion.

Mr. Van Buren took his seat in the Senate at the extra session in November, 1812. Though it was his

first appearance in a legislative body, his character and talents were so well known and so highly appreciated, that he was complimented with the unusual honor of an appointment on the committee to prepare an answer to the governor's speech. The answer was drawn up and reported by him. In it he fully approved of the war, and insisted, to quote its language, "that at a period like the present, when our country is engaged in a war with one of the most powerful nations of Europe, difference of opinion on abstract points should not be suffered to impede or prevent our united and vigorous support of the constituted authority of the nation."

In the republican legislative caucus held for the nomination of presidential electors, Mr. Van Buren took a prominent part. The friends of Mr. Madison claimed that a portion of the electors ought to be selected by them; but he opposed this in a speech, and contended that the republicans of the state had decided at the election in the spring of 1812, and at the legislative caucus in May following, that Mr. Clinton was their choice for the presidency. He earnestly protested, therefore, against any division of the vote of New York, and a majority of the caucus coincided with him in opinion. Through his tact and address, for he at once took the lead of the Clintonian republicans, electors were fixed upon, and chosen by the legislature, who gave their votes to Mr. Clinton. The federalists had now taken up Mr. Clinton as their can-

didate, and they held the balance of power in the legislature, between the Clintonian and the Madisonian republicans. Yet Mr. Van Buren would not, nor did he consent, to any union with his old opponents. The votes of some of the federal members were given for the Clintonian electors, but there was no amalgamation of parties.

It has been charged against Mr. Van Buren, that, through his instrumentality, a bargain was made with the federal members, and that they agreed to vote for the Clintonian electors, upon the consideration that Rufus King should be returned to the Senate of the United States.* This was certainly not the case. There was no friendship whatsoever between De Witt Clinton and Mr. King; but the federalists, without doubt, had an understanding with the friends of Mr. Clinton who favored the incorporation of the Bank of America. The latter were ripe for intrigue, and Mr. King was indebted to them for his election.

Almost the first business of the members of the legislature at the regular session in the following winter, was to select candidates for the gubernatorial election. Mr. Van Buren advocated and voted for the renomination of Governor Tompkins, at the republican caucus, and was selected to prepare the address to the electors of the state. The following extracts from this paper are favorable specimens of his style as a writer, and show the position which he occupied in regard to the war.

* Defence of Judge Spencer, 1843.

"In making this appeal, which is sanctioned by usage and the necessity of which is rendered imperious by the situation of our common country, we feel it to be our duty, as it is our wish, to speak to you in the language which alone it becomes freemen to use—the language to which alone it becomes freemen to listen—the language of truth and sincerity;—to speak to you of things as they are and as they should be,—to speak to you with unrestrained freedom of your rights and your duties,—and if by so doing we shall be so fortunate as to convince you of the correctness of the opinion we hold; to communicate to you the anxious solicitude we feel for our country and its rights; to turn your attention from the minor considerations which have hitherto divided, distracted, and disgraced the American people, and to direct it exclusively to the contemplation and support of your national honor and national interests, our first and only object will be effected.

"That tempest of passion and of lawless violence which has hitherto almost exclusively raged in the countries of the old world, which has ravaged the fairest portions of the earth, and caused her sons to drink deep of the cup of human misery—not satiated by the myriads of victims which have been sacrificed at its shrine, has reached our hitherto peaceful shores. After years of forbearance in despite of concessions without number, and we had almost said, without limitation, that cruel and unrelenting spirit of oppression and injustice which has for centuries characterized the British cabinet, overwhelmed nation after nation, and caused humanity to shed tears of blood, has involved us in a war,—on the termination of which are staked the present honor, and the future welfare of America.

"While thus engaged in an arduous and interesting struggle with the open enemies of our land from without, the formation of your government requires that you should exercise the elective franchise,—a right which in every other country has been destroyed by the ruthless hand of power, or blasted by the unhallowed touch of corruption; but which, by the blessings of a munificent Providence, has as yet been preserved to *you* in its purity.

"The selection of your most important functionaries is at hand. In

a government like ours, where all power and sovereignty rest with the people, the exercise of this right and the consequent expression of public interest and public feeling, is, on ordinary occasions, a matter of deep concern, but at a period like the present, of vital importance ;—to satisfy you of that importance, and to advise you in its exercise, is the object of this address.”

After presenting a clear and succinct account of the origin and causes of the war, showing the necessity that forced its declaration upon the government of the United States, and referring to the temporary repeal of the orders in council, and their reënactment, the address continues :—

“The American people—a people rich in resources, possessed of a high sense of national honor, the only free people on earth,—had resolved in the face of an observing world, that those orders were a direct attack upon their sovereignty—that a submission to them involved a surrender of their independence ; and a solemn determination to adhere to them, was officially declared by the ruler of the British nation. Thus situated, what was your government to do ? Was there room for doubt or hesitation as to the hostile views of England ? No. Lest such doubts might prevent a rupture, to acts of violent injustice were continually added acts of the most opprobrious insult. While the formal relations of amity remained yet unbroken—while peace was yet supposed to exist—in cool blood an unprovoked attack is made upon one of your national ships, and several American citizens basely and cowardly murdered. At the moment your feelings were at the highest pitch of irritation in consequence of the perfidious disavowal of Erskine’s agreement, a minister is sent, not to minister to your rights—not to extenuate the conduct of his predecessor—but to beard your Executive—to add insult to injury ; and to fling contumely and reproach in the face of the Executive of the American nation, in the presence of the American people.

"To cap the climax of her iniquity; to fill up the measure of our wrongs; she resolved to persist in another measure, surpassed by none in flagrant enormity—a measure which of itself was adequate cause of war—a measure which had excited the liveliest solicitude, and received the unremitting attention of every administration of our government, from the time of Washington to the present day; the wicked, the odious and detestable practice of impressing American seamen into her service; of entombing our sons within the walls of her ships of war; compelling them to waste their lives, and spill their blood in the service of a foreign government—a practice which subjected every American tar to the violence and petty tyranny of a British midshipman, and many of them to a life of the most galling servitude—a practice which never can be submitted to by a nation professing claims to freedom; which can never be acquiesced in by government without rescinding the great article of our safety, *the reciprocity of obedience and protection between the rulers and the ruled.*

"Under such accumulated circumstances of insult and of injury, we ask again, what was your government to do? We put the question not 'to that faction which misrepresents the government to the people, and the people to the government; traduces one half the nation to cajole the other—and by keeping up distrust and division, wishes to become the proud arbiter of the fortune and fate of America,'—not to them, but to every sound head and honest heart in the nation, it is that we put the question,—What was your government to do? Was she basely and ingloriously to abandon the rights for which you and your fathers fought and bled? Was she so early to cower to the nation which has sought to strangle us in our infancy, and which has never ceased to retard our approach to manhood? No: we will not for a moment doubt, that every man who is in truth and fact an American will say that *war, and war alone, was our only refuge from national degradation—our only course to national prosperity!*

"Fellow-citizens—throughout the whole period of the political struggles, which, if they have not absolutely disgraced, have certainly not exalted our character, no remark was more common—no expectation more cheerfully indulged in—than that those severe and malevo-

lent contentions would only be sustained in time of peace ; that when the country should be involved in war, every wish, and every sentiment would be exclusively American. But unfortunately for our country, those reasonable expectations have not been realized, notwithstanding every one knows, that the power of declaring war, and the duty of supporting it, belong to the General Government ; notwithstanding that the constitutional remedy for the removal of the men to whom this power is thus delegated, has recently been afforded ; notwithstanding the reëlection of the same president by whom this war was commenced, and a majority of representatives, whose estimate of our rights, and whose views are similar to those who first declared it ; men, who, by the provisions of the constitution, must retain their respective stations for a period of such duration, as precludes a continued opposition of their measures without a complete destruction of our national interest—an opposition at once unceasing and malignant, is still continued, to every measure of the administration. * * * *

Among the most prominent of those charges, [charges against the state and national administrations,] is that of enmity to commerce, on the part of the republican administrations. Never was there a calumny more wicked. Enmity to commerce ! We ask, and we ask emphatically, where is the evidence of it ? What is the basis on which they rest their claim to public confidence ? It is that the administration is engaged in a war which they claim to be unpopular. What are the causes for which this war is waged, and which have hitherto embroiled us with the nations of Europe ? They are *the violation of our commercial rights, and the impressment of our seamen !* The administration then, are jeopardizing their interest with the people ; they furnish weapons of offence to their adversaries ; they brave all dangers, for the maintenance and support of our commercial rights ; and yet they are the enemies of commerce ! Can such base sophistry, such contemptible nonsense, impose on the credulity, or pervert the understanding of a single honest man ?

“Suffer not yourselves to be deceived by the pretence, that because Great Britain has been forced by her subjects to make a qualified repeal of her orders, our government ought to abandon her ground.

That ground was taken to resist two great and crying grievances, the destruction of our commerce and the impressment of our seamen. The latter is the most important, in proportion as we prefer the liberty and lives of our citizens to their property. Distrust, therefore, the man who could advise your government at any time, and more especially, at this time,—when your brave sailors are exciting the admiration, and forcing the respect of an astonished world; when their deeds of heroic valor make old Ocean smile at the humiliation of her ancient tyrant—at such a time, we say again, mark the man who would countenance government *in commuting our sailors' rights for the safety of our merchants' goods.* * * * *

“Fellow-citizens—should those political witlings, who are not only ignorant themselves of the leading points of controversy in our disputes with the belligerents, but who are uniformly assailing you as men destitute at once of spirit and of judgment—should they point to the wars which agitate and have convulsed Europe, as arguments against the prosecution of that just and necessary one which has been forced upon us, we know that you will indignantly repel the unfounded suggestion. The wars of Europe are waged by monarchs, to gratify their individual malice, their individual caprice, and to satiate their lawless ambition. Ours is in defence of rights which must be defended, or our glory as a nation will be extinguished—the sun of our greatness will set forever. As well might it have been said during the revolution that war should not be waged, because wars had desolated Europe. The same rights you then fought to obtain you must now fight to preserve—the contest is the same now as it was then—and the feelings, which then agitated the public mind, which on the one hand supported, and on the other sought to destroy, the liberties of the country, will be seen and felt in the conduct of the men of this day. * * * *

“We solicit the honest men of all parties—to remember that ours is the last republic—that all the influence of the crowned heads of Europe has been exerted to propagate the doctrine, that a government like ours can never stand the rude shock of war; to reflect that this is the first occasion in which this government has been engaged in a war, and that the great and interesting questions, whether man is capable of

self-government, whether our republic must go the way of its predecessors, or whether, supported by the hearts and arms of her free citizens, she shall deride the revilings, and defeat the machinations of her enemies, are now to be tried."

After reading this address, no one could mistake the position which Mr. Van Buren occupied in relation to the war. Indeed, had it not been for the support of Mr. Clinton by the federalists in 1812, this would never have been questioned. The truth was, that nearly all the republican members of the New York legislature who were the most active in procuring the original nomination of Mr. Clinton, and in securing electors friendly to him, cordially and heartily supported the war measures of the national administration. This was especially true of Mr. Van Buren. He approved of the declaration of war from the first, and at all times, and on all occasions, defended the policy and the measures of Mr. Madison. His support of Mr. Clinton was a mere matter of personal preference, and he was mainly influenced in this by his ardent desire to see the war prosecuted with greater vigor. At the time, his position was well understood. Notwithstanding he had preferred Mr. Clinton to Mr. Madison, when the latter was reëlected, he was ranked among the firmest friends of his administration, and was honored with repeated marks of the confidence reposed in his political fidelity as well as in his ability as a lawyer.—Mr. Dallas, afterward the secretary of the treasury, being unable to attend the court martial held for

the trial of General Hull, Mr. Van Buren was substituted for him as special judge advocate, and conducted this important proceeding, in a manner highly creditable to himself, and to the entire satisfaction of the government. Subsequently, he was appointed to perform the same duty on the trial of General Wilkinson, but the latter objected to the appearance of a special judge advocate, and his objection was sustained by the court.

At the extra session of the legislature in the fall of 1812, Mr. Van Buren voted for a resolution authorizing the comptroller of the state to subscribe half a million of dollars to the United States' loan of sixteen millions, which passed the Senate, but was defeated by the federalists in the Assembly. In the winter of 1813, he advocated a proposition to loan the national government half a million of dollars, but this also failed.

When Mr. Van Buren first entered public life, he was prejudiced in favor of De Witt Clinton, but a more intimate acquaintance seems to have been followed on both sides by mutual dislike. Mr. Clinton was one of those who at first underrated the talents of Mr. Van Buren, and as the latter could not be a sycophant, he probably felt himself slighted. He was, also, much too independent in his course, to follow a leader like Mr. Clinton, who warmly resented his support of the national administration, and of Mr. Tompkins in 1813. In consequence of these feelings, their political relations were interrupted, and never again resumed.

Governor Tompkins was reëlected in the spring of 1813, but owing to the disaffection of Mr. Clinton and his personal friends, the federalists maintained their ascendancy in the lower branch of the legislature. Consequently, nothing could be done, as the republican majority in the Senate desired, toward sustaining and supporting the general government in the prosecution of the war. The legislative session commencing in January, 1814, was characterized, therefore, by the usual disagreements between the two houses, and the scenes of political violence, of crimination and recrimination, to which they always give rise. The Senate promptly passed such acts as the exigencies of the country seemed to require, but the other house as promptly rejected them. In order to reconcile these differences, committees of conference were frequently appointed. "In these conferences the measures in dispute were publicly discussed, and the discussion embraced the general policy of the administration and the expediency of the war. The exciting nature of the questions thus debated, the solemnity of the occasion, the discussions being conducted in the presence of the two houses, and the brilliant talents of the parties to the controversy, drew vast audiences, and presented a field for the display of eloquence unsurpassed, in dignity and interest, by the assemblies of ancient Greece. Mr. Van Buren was always the leading speaker on the part of the Senate; and by the vigor of his logic, his acuteness and dexterity in debate, and the patriotic

spirit of his sentiments, commanded great applause. A speech which he delivered on one of those occasions was so replete with eloquence and patriotic views, that a committee appointed by the republicans of Albany, formally presented him the thanks of the party, and requested a copy for publication. This request could not be complied with, as the speech had been delivered entirely without notes." *

Rarely has so high a reputation as a legislator been achieved in so brief a time, as in the case of Mr. Van Buren. When first elected to the Senate, he was comparatively little known beyond the limits of Columbia and the adjoining counties, but he very soon became the acknowledged leader of the republican phalanx in the legislature. A friend of the writer, and a warm admirer of Mr. Van Buren, then a resident of Albany, describes his appearance when he first came to that city as a senator, as being anything else than prepossessing. Dressed in a green coat, buff breeches, and white topped boots, and, withal, bearing himself somewhat jantily, he looked much more like a sportsman than a legislator. Only a few months passed by, however, before his opinions and his wishes were regarded with deference in the political circles of the capital. He was found to be shrewd and intelligent; well versed in the knowledge of human nature; a skilful and ready debater; powerful in argument, and eloquent, or at least interesting, on all occasions; cool

* Holland's Life of Van Buren, p. 103.

and cautious in deliberation, but prompt and energetic in execution,—and possessing such traits, it was not difficult for him to reach that commanding position which his talents enabled him to maintain.

The patriotic efforts of Mr. Van Buren, supported though they were by the eloquence of Nathan Sanford and Erastus Root, proved unavailing; and the year 1813 rolled away, without any effort having been made in support of the war, worthy of the character and position of the great state of New York. But the war was popular with the people, and at the annual election in the spring of 1814, the republicans elected a majority of the members of the assembly, and thus secured both branches of the legislature.

Governor Tompkins lost no time in convening the new legislature. On account of the exposed condition of the state, and in view of the unexampled severity with which the war had been waged on the Atlantic coast during the summer, an extra session was called, which commenced in September. Mr. Van Buren again prepared the address in reply to the governor's speech. This paper abounded in patriotic sentiments, and in strong and eloquent language exhorted the people of the state to forget their party divisions, and to rally like brethren to the defence of the national honor and their common country.

At this session several war measures of a most decided character were proposed and adopted. Among them were acts to encourage privateering, and to au-

thorize the raising of troops for the defence of the state, the latter of which was drafted by Mr. Van Buren. This act, commonly known as "the classification law," authorized the governor to place at the disposal of the general government twelve thousand men for two years, who were to be raised by classifications of the militia of the state; and it was afterward justly characterized by Senator Benton, of Missouri, as "the most energetic war measure ever adopted in our America." The federalists in the New York legislature resisted the passage of the bill at every step, and sought to render it and its author unpopular and odious, by calling it the "conscription bill." It finally passed both houses, and became a law on the 24th of October. Previous to this time a copy of it had been sent to Mr. Monroe, the then secretary of war, and it may have suggested to him some of the features of the similar measure proposed by him in his report to Congress of the 15th of October.

In the council of revision, both the act to encourage privateering, and the classification law, encountered the warm and determined opposition of Chancellor Kent, who, in politics, was a federal of the old school. As a member of the council he delivered opinions adverse to the bills, which were overruled by the other members, but made public through the Albany papers. Samuel Young, the speaker of the assembly, immediately entered the lists in defence of the classification law, and in several articles signed "*Juris Consultus*,"

to which the chancellor replied under the signature of "*Amicus Curiae*," defended the measure with great ability. Mr. Van Buren was well satisfied with what Colonel Young had said upon the subject of the impeached law; but as the chancellor had dwelt at much length, and with unusual earnestness, on the unconstitutionality and the immoral tendencies of the act to encourage privateering, he came to the aid of his friend, and examined the strictures of the chancellor in a number of ably written papers signed "*Amicus Juris Consultus*." The articles written by Mr. Van Buren reviewed the whole ground of controversy in respect to both measures, but were chiefly confined to the objections of the chancellor to the act to encourage privateering.

At the next regular session of the legislature, which commenced in January, 1815, Mr. Van Buren again took the lead in bringing forward and advocating the adoption of war measures. On his motion a committee was appointed, of which he was made chairman, to consider whether any, and what, additional provisions were required to carry the classification law into successful operation; in which duty he was engaged, when the intelligence was received that a treaty of peace had been signed in the month of December previous.

On the 13th of February, 1815, he was appointed on a committee to prepare resolutions expressing the sentiments of the legislature in relation to the brilliant victory of General Jackson at New Orleans; and as a

member of the committee, he prepared the appropriate preamble and resolutions reported to the Senate. At the same session, he made an able report, from a committee of which he was chairman, recommending a loan to the general government for the immediate payment of the militia of the state who had been called into the national service.

After the peace, at the regular session of the legislature in the winter of 1816, Mr. Van Buren once more referred to the recent contest, in an answer to the governor's speech which he prepared, as a war, "not only righteous in its origin but successful in its prosecution."—Thus, from the commencement to the close of hostilities, was he intimately identified, in his capacity as a member of the New York legislature, with "the second war of Independence." No man contributed more than he to the adoption of the important war measures which have been mentioned. Throughout the contest he supported and defended both the national and state administrations; he counselled and advised with Governor Tompkins, and sustained him in the energetic and decided course which he saw fit to pursue, in that dark period of the struggle, when a powerful enemy were plundering and devastating our frontier towns, and treason was plotting at Hartford.

His senatorial duties did not withdraw Mr. Van Buren from his profession, but he continued its practice with a daily increasing reputation. The legal knowledge and ability displayed in his forensic encounters

before the Supreme Court when in session at the capitol, and in his opinions as a member of the Court of Errors, together with the talent exhibited by him in the debates in the Senate, led to his appointment, in the month of February, 1815, as attorney general of the state, in the place of Abraham Van Vechten. During the same session of the legislature, he was also appointed one of the regents of the university.

After his appointment as attorney general, his professional business, aside from that connected with his office, at once became more extensive; and in addition to the consideration and influence which naturally follow success in such a career, he reaped an abundant harvest of wealth and fame. He was often called to distant sections of the state, to attend the circuits; and both here, and before the court in bank, he was accustomed to meet, either as associate counsel, or as opponent, the leading members of the bar of New York, conspicuous among whom were Aaron Burr, Abraham Van Vechten, Thomas Addis Emmett, John Wells, John V. Henry, Elisha Williams, Samuel Jones, and Thomas J. Oakley. In comparison with these eminent advocates Mr. Van Buren suffered nothing; and from the time of his appointment as attorney general till his final retirement from the bar, his life presents an array of professional triumphs and distinctions not often surpassed in brilliancy.

He was reëlected to the Senate in the spring of 1816, and shortly afterward removed to the city of Albany,

on account of the increase of his professional business, and in order to discharge the duties of his office with greater ease and dispatch. In 1817, he took into partnership his distinguished pupil Benjamin F. Butler, who has reflected so much honor on his preceptor, who afterward became attorney general of the United States and secretary of war *ad interim*, and is now justly considered one of the ablest lawers in the state and nation. Mr. Butler remained connected with him in business, till his election to the United States' Senate in 1821, with the exception of a few months in 1819, which the former spent at Sandy Hill in charge of the Washington and Warren bank. After his election as a senator in Congress, Mr. Van Buren partially withdrew from practice, leaving his large business to Mr. Butler. He was occasionally employed, however, in important causes. In 1823, he argued the case of Wilkes against Lion, and in 1828, that of Varick against Johnson, before the Court of Errors. Both these cases were of great importance, as property to a very large amount depended on the decisions; the arguments of Mr. Van Buren were reported at length, and they may be regarded as favorable specimens of forensic eloquence.* He appeared for the last time before a jury in the trial of the Astor case, and that of the Sailors' Snug Harbor, in the city of New York, in the fall of 1827.

During the war, the canal projects, in the advocacy

* Cowen's Reports, vol. ii. p. 333; Wendell, vol. ii. p. 166.

of which De Witt Clinton took so conspicuous a part, were necessarily laid aside. But on the return of peace, the subject was again agitated with increased earnestness. The examinations and surveys of the commissioners were laid before the legislature in March, 1816. On the 21st instant, a committee of the assembly reported in favor of the immediate construction of the Erie and Champlain canals, and on the 13th of April, an act passed that body providing for accurate surveys and estimates, and the commencement of the work without delay. But five days of the session remained for the consideration of the subject in the Senate. Mr. Van Buren was a sincere friend to the measure, but nearly all of his Bucktail or republican associates, and most of the friends of Rufus King, being bitterly hostile to Mr. Clinton, were opposed to it; and as the surveys and estimates which had been made were loose and inaccurate, and little to be relied on, he thought if the matter was pressed forward prematurely, its ultimate success would be prejudiced. The bill was not taken up in the Senate till just before the close of the session, on the 16th of April; and for the reason above stated, Mr. Van Buren moved to strike out that part of the bill authorizing the immediate commencement of the work. This motion prevailed by an almost unanimous vote, and the assembly concurred in the amendment. At the ensuing session, in the winter of 1817, the measure was once more proposed, and on the 11th of April, the assembly passed a

bill authorizing the immediate commencement of the work. The desired surveys and estimates having now been made and procured, no reason existed for further delay, and Mr. Van Buren advocated the passage of the bill in the Senate with great zeal and with his usual ability. His speech on the subject is said to have been "a masterly effort;" and when he had concluded it, "Mr. Clinton, who had been an attentive listener in the Senate chamber, breaking through that reserve which political collisions had created, approached him, and expressed his thanks for his exertions in the most flattering terms." *

Through the persuasions of Mr. Van Buren, a number of the Bucktail senators were induced to vote for the Canal bill, and on the 15th of April, 1817, it finally passed the Senate, with his vote, and, in no small degree, by reason of his influence.

Besides his support of the war measures and the canal project, Mr. Van Buren was identified with other important questions considered in the legislature while he was a member of the Senate. He was one of the earliest advocates of a free system of banking, and made repeated efforts to procure the repeal of the restraining law. He also introduced a bill to abolish imprisonment for debt, and urged its passage for several years in succession. His efforts in behalf of this great reform in the civil code of the state ultimately secured a favorable vote in the Senate, but the time had not

* Hosack's Life of Clinton, p. 451.—See also p. 105 et seq.

yet arrived for such a work of justice and charity, and the bill failed in the assembly. He was one of the most prominent advocates of the abolition of slavery in the state of New York, which Governor Tompkins so earnestly recommended. In regard to the Missouri question, he did not approve of the violent and denunciatory course of many politicians in the northern states, but he voted for a resolution, in 1820, which passed the legislature by an unanimous vote, instructing the senators and requesting the representatives of the state in Congress, to oppose the admission as a state into the union of any territory not comprised within the original boundaries of the United States, without making the prohibition of slavery therein an indispensable condition of admission. The sentiment embodied in this resolution was one which generally prevailed among the citizens of the state, and which met with his approbation; but after the question had been settled by the compromise, he acquiesced in the decision of Congress, and opposed any further agitation.

In the debates upon the disputed accounts of Governor Tompkins he took an active part, and at the winter session of 1820, he occupied a portion of two days in the delivery of one of the ablest and most effective speeches which had been delivered in that body for several years. He was listened to with deep and marked attention, and the eloquent terms in which he alluded to the patriotic services of his friend,

made a powerful impression upon the minds of his hearers.

Mr. Van Buren cheerfully supported Governor Tompkins for reëlection in 1816, and also as a candidate for the vice-presidency in the same year. Mr. Hammond does the former great injustice in imputing to him bad faith in carrying out the expressed wishes of the republican legislative caucus by which, in the month of February, 1816, Governor Tompkins was put in nomination for the presidency.* Mr. Van Buren approved of this nomination; but when he saw that it could not be carried into effect, he resisted the efforts of Judge Spencer, to prejudice the standing of Governor Tompkins, by prematurely and indiscreetly urging his claims. As between Mr. Crawford and Mr. Monroe, he preferred the former; but after the decision of the congressional caucus, he uniformly supported Mr. Monroe as the regular candidate of the republican party. He had the right to differ with Governor Tompkins, if he saw fit, and he would not have hesitated to exercise it, but his course was perfectly satisfactory to that gentleman. From 1812 to the death of Governor Tompkins, he was his intimate and confidential friend, and the confidence of the former in the sincerity of his friendship was never shaken.

In 1817, Mr. Van Buren endeavored to prevent the nomination of De Witt Clinton as the successor of

* Political History, vol. i. p. 411 (note)—See also ante, p. 197, et seq.

Governor Tompkins. But the canal interest was too powerful. The star of Mr. Clinton was in the ascendant—

"A Jove principium, Jovis omnia plena."

Mr. Clinton was not in good standing in the republican party, and all its leading members, with the exception of Judge Spencer, were opposed to his nomination. But the people were determined that he should be governor, and Mr. Van Buren was forced to submit to a decision that overruled the behests of party.

When Mr. Clinton was duly nominated, Mr. Van Buren supported him as the republican candidate, but there was no cordiality of feeling between them. They viewed each other as personal rivals; and as soon as Mr. Clinton manifested a disposition to form a party devoted to him, from the federalists and that small portion of the old republican party who faithfully adhered to his fortunes, Mr. Van Buren felt himself justified, as a matter of self-defence, in making the effort to re-organize the republican party of New York by the exclusion of the Clintonians. In this he was successful. He carried with him the great majority of the republicans of the state, and in 1820 he was mainly instrumental in bringing forward Governor Tompkins in opposition to Mr. Clinton. He also supported Colonel Young, in 1824, and Judge Rochester in 1826, as the candidates of the republican party opposed to Mr. Clinton.

Political animosities at that day were peculiarly virulent, and it was impossible that the differences between Mr. Clinton and Mr. Van Buren should not affect their private relations. But while the former, especially during the latter years of his life, repeatedly expressed his confidence in the personal integrity of Mr. Van Buren, and his respect for his talents, the latter never withheld from his great rival that tribute of praise which was his due. When the sudden death of Mr. Clinton was made known at Washington, a meeting of the New York senators and representatives was held, at which Mr. Van Buren offered resolutions of condolence, prefacing their introduction with the following remarks alike creditable to his head and his heart.

“MR. CHAIRMAN:—We have met to pay a tribute of respect to the memory of our late Governor and distinguished fellow-citizen, De Witt Clinton. Some of our brethren have been so kind as to ask me to prepare a suitable expression of our feelings; and I have, in pursuance of their wishes, drawn up what has occurred to me as proper to be said on the occasion. Before I submit it to the consideration of the meeting, I beg to be indulged in a few brief remarks. I can say nothing of the deceased, that is not familiar to you all. To all he was personally known, and to many of us intimately and familiarly, from our earliest infancy. The high order of his talents, the untiring zeal and great success with which those talents have, through a series of years, been devoted to the prosecution of plans of great public utility, are also known to you all, and by all, I am satisfied, duly appreciated. The subject can derive no additional interest or importance from any eulogy of mine. All other considerations out of view, the single fact that the greatest public improvement of the age in which we live, was com-

menced under the guidance of his counsels, and splendidly accomplished under his immediate auspices, is of itself sufficient to fill the ambition of any man, and to give glory to any name. But, as has been justly said, his life, and character, and conduct, have become the property of the historian; and there is no reason to doubt that history will do him justice. The triumph of his talents and patriotism, cannot fail to become monuments of high and enduring fame. We cannot, indeed, but remember, that in our public career, collisions of opinion and action, at once extensive, earnest, and enduring, have arisen between the deceased and many of us. For myself, sir, it gives me a deep-felt, though melancholy satisfaction, to know, and more so, to be conscious, that the deceased also felt and acknowledged, that our political differences have been wholly free from that most venomous and corroding of all poisons—personal hatred.

“But in other respects it is now immaterial what was the character of those collisions. They have been turned to nothing, and less than nothing, by the event we deplore; and I doubt not that we will, with one voice and one heart, yield to his memory the well-deserved tribute of our respect for his name, and our warmest gratitude for his great and signal services. For myself, sir, so strong, so sincere, and so engrossing is that feeling, that I, who, whilst living, never—no, never!—envied him anything, now that he has fallen, am greatly tempted to envy him his grave, with its honors.

“Of this, the most afflicting of all bereavements, that has fallen on his wretched and desponding family, what shall I say?—Nothing. Their grief is too sacred for description; justice can alone be done to it by those deep and silent, but agonizing feelings, which on their account pervade every bosom.”

In the bitter and heated strife between the Clintonians and Bucktails Mr. Van Buren was not overlooked. When the former attained the control of the council of appointment, he was removed from the office of attorney general, in July, 1819. In the following year,

the republicans regained the ascendancy in the legislature, though Mr. Clinton was reëlected, and his party friends offered to reinstate him in the office from which he had been ejected, but he declined the appointment.

In the fall of 1819, just before the regular session of the legislature in 1820, Mr. Van Buren published an able pamphlet, entitled "Considerations in favor of the appointment of Rufus King to the Senate of the United States," written by him and William L. Marcy, subsequently governor of the state, but mainly prepared by himself. There were then three parties in the legislature,—the federalists, the Clintonians, and the republicans,—neither of which had a majority. At the previous session a similar state of things had existed, and neither party had been able to elect their candidate for senator. Mr. King had previously filled the office, and as he was not friendly to Mr. Clinton, Mr. Van Buren advised the Bucktail members to support him, in consideration of his patriotic efforts and services during the war of 1812. Mr. King was reëlected by the almost unanimous vote of the legislature, and he and his friends ultimately acted with the republicans in opposition to Mr. Clinton's administration.

Mr. Van Buren's second term as state senator expired in 1820, and he was not a candidate for reëlection. He now devoted his whole time to the practice of his profession in the city of Albany, of which he remained a resident. But it is unnatural, if not often impossible, for an active political leader, such as was

Mr. Van Buren, to turn his back upon his party. To say nothing of personal ambition, from whose influence few are exempt, there are a thousand other considerations, which, as it were, seem to compel him to continue in the career upon which he has entered. The friends of Mr. Van Buren ardently desired to secure his services to the state and nation in a higher and more honorable sphere, and their wishes were gratified by his election to the Senate of the United States on the 6th day of February, 1821, as the successor of Nathan Sanford. Mr. Sanford was a republican and a candidate before the New York legislature for reëlection, but the superior fitness of Mr. Van Buren for the station was acknowledged by all, and he received more than two thirds of the votes in the republican caucus. In the legislature the Clintonians and federalists, merely out of opposition to Mr. Van Buren, voted for Mr. Sanford, but not with his consent or approbation. When the next vacancy occurred, Mr. Sanford was again returned to the Senate by his republican friends, in the place of Mr. King.

Mr. Van Buren was not a member of the legislature when the law providing for a constitutional convention was passed, and as he resided in a county a majority of whose electors were politically opposed to him, he did not suppose that he would be chosen a delegate to that body. He had ever been a warm friend of the measure, and on account of his active agency in procuring the passage of the law, and his eminent talents,

he was, contrary to his expectations, elected as a delegate from the strong republican county of Otsego.

The convention of 1821 was composed of the ablest men belonging to the great political parties in New York. Among them were James Kent, Rufus King, Ambrose Spencer, Daniel D. Tompkins, Erastus Root, Samuel Young, William W. Van Ness, Jonas Platt, Stephen Van Rensselaer, Abraham Van Vechten, James Tallmadge, Elisha Williams, Peter R. Livingston and Nathan Sanford. Mr. Van Buren was not the least among the foremost. He took part in all the important discussions, and his friends may recur to his course in this body with proud satisfaction, as that of a high-minded and independent statesman.

There were three parties in the convention: the Clintonians and the federalists, who were opposed to making many important changes, and desired to retain most of the old governmental machinery; the radical republicans, who sought to overturn the whole system of the state government; and the conservative republicans, who were opposed to hasty legislation and wished to preserve what was good and valuable, and to substitute for that which was bad, wise and prudent measures of reform. His position throughout was eminently conservative. His speeches, of which he delivered a number, were very able; there was none of that *ad captandum* sort of eloquence about them calculated to touch the prejudices or the passions of the multitude, but the sentiments were high-toned, elevated, and manly.

One of his ablest efforts was made in support of the abolition of the council of revision, and the entire separation of the judiciary from the legislative power. He opposed the reduction of the gubernatorial term from three years to one year, and supported the proposition adopted by the convention limiting the term to two years. He also advocated the amendment, corresponding to the similar feature in the federal constitution, conferring the veto power upon the governor instead of the council of revision. He spoke and voted, too, in favor of abolishing the freehold qualification of voters. Judge Spencer proposed, as an amendment to the original report of the committee on the subject of the extension of the right of suffrage which gave the right to vote to persons paying taxes, or working on the highways, or doing military duty—to require as a qualification to vote for senators, a freehold estate of the value of two hundred and fifty dollars, as in the old constitution. One of Mr. Van Buren's best speeches was made in opposition to the amendment offered by Judge Spencer, and the annexed extracts from it will show, both his general views upon the subject, and the spirit and temper in which he discussed the great topics brought before the convention :—

“I am opposed to the amendment under consideration, offered by the gentleman from Albany (Chief Justice Spencer;) and I will beg the indulgence of the committee, for a short time, while I shall attempt to explain the reasons, which, in my opinion, require its rejection. The extreme importance which the honorable mover has attached to the

subject, and the sombre and frightful picture which has been drawn by his colleague, (Chancellor Kent,) of the alarming consequences which will result from the adoption of a course different from the one recommended, renders it a duty, which those who entertain a contrary opinion, owe to themselves and their constituents, to explain the motives which govern them. If a stranger had heard the discussions on this subject, and had been acquainted with the character of our people, and the character and standing of those, who find it their duty to oppose this measure, he might well have supposed, that we were on the point of prostrating with lawless violence, one of the fairest and firmest pillars of the government, and of introducing into the sanctuary of the constitution, a mob or a rabble, violent and disorganizing as were the Jacobins of France, and furious and visionary as the radicals of England are, by some gentlemen, supposed to be. The honorable gentleman from Albany (Chancellor Kent,) tells us, that if we send the constitution to the people, without the provision contemplated by the proposition now under consideration, it will meet with the scorn of the wise, and be hailed with exultation by the vicious and the profligate. I entertain a high personal respect for the mover of this amendment, and also for his learned colleague, who has so eloquently and pathetically described to us the many evils and miseries which its rejection will occasion: I declare my entire conviction of his sincerity in what he has uttered; his simplicity of character, which he has himself so feelingly described, his known candor and purity of character, would forbid any one to doubt, that he spoke the sentiments of his heart. But believing as I do, that those fears and apprehensions are wholly without foundation, it cannot be expected, that I will suffer them to govern my conduct. * * * *

“There are two words which came into common use with our revolutionary struggle; words which contain an abridgment of our political rights; words which, at that day, had a talismanic effect—which led our fathers from the bosoms of their families to the tented field—which for several long years of toil and suffering kept them to their arms—and which finally conducted them to a glorious triumph. They are ‘TAXATION’ and ‘REPRESENTATION,’—nor did they lose their influence

with the close of that struggle. They are never heard in our halls of legislation, without bringing to our recollections the consecrated feelings of those who won our liberties, or without reminding us of everything that is sacred in principle. * * * *

“Apply for a moment the principles they inculcate to the question under consideration, and let its merits be thereby tested. Are those of your citizens represented, whose voices are never heard in your Senate? Are these citizens in any degree represented or heard, in the formation of your courts of justice, from the highest to the lowest? Is, then, representation in one branch of the legislature, which by itself can do nothing—which instead of securing to them the blessings of legislation, only enables them to prevent it as an evil—anything more than a shadow? Is it not emphatically ‘keeping the word of promise to the ear, and breaking it to the hope?’ Is it not even less than the *virtual representation*, with which our fathers were attempted to be appeased by their oppressors? It is even so; and if so, can we, as long as this distinction is retained, hold up our heads, and, without blushing, pretend to be the advocates for that special canon of political rights, that taxation and representation are, and ever should be, indissoluble? I think not.

“In whose name, and for whose benefit, I inquire, are we called upon to disappoint the just expectations of our constituents, and to persevere in what I cannot but regard as a violation of principle? It is in the name, and for the security of ‘*farmers*,’ that we are called upon to adopt this measure. This is, indeed, acting in an imposing name; and they who use it know full well that it is so. It is the boast, the pride, and the security of this nation, that she has in her bosom a body of men who, for sobriety, integrity, industry and patriotism, are unequalled by the cultivators of the earth in any part of the known world,—nay more, to compare them with the men of similar pursuits in other countries, is to degrade them. And woful must be our degeneracy, before anything which might be supposed to affect the interests of the farmers of this country, can be listened to with indifference by those who govern us.

“I cannot yield to any man in respect for this invaluable class of

our citizens, nor in zeal for their support; but how does this matter stand? Is the allegation that we are violating the wishes, and tampering with the security of the farmers, founded in fact, or is it merely colorable? Who, I ask, have hitherto constituted a majority of the voters of the state? *The farmers!* Who called for, and insisted upon the convention? *Farmers and freeholders!* Who passed the law admitting those who were not electors, to a free participation in the decision of the question of *Convention or No Convention*, and also in the choice of delegates to that body? A Legislature, a majority of whom were farmers, and probably every one of them freeholders, of the value of two hundred and fifty dollars and upwards! The farmers of this state have, by an overwhelming majority, admitted those who were not freeholders, to a full participation with themselves in every stage of this great effort to amend our constitution, and to ameliorate the condition of the people:—Can I then, ought I, to be told, that they will be disappointed in their expectations, when they find that by the provisions of the constitution as amended, a great portion of their fellow-citizens are enfranchised, and released from fetters which they themselves had done all in their power to loosen? I do not believe it.

“Again, I inquire, who are we, that have been chosen to perform this great, and I cannot but think, good work? A great majority of us are practical farmers—*all freeholders*, and of no small amounts. Are we our own worst enemies? Can we be suspected of a want of fidelity to the freehold interest? No! The farmers have looked for such an event; they earnestly desire it. Whatever ravages the possession of power may have made in the breasts of others, they, at least, have shown that they can ‘feel power without forgetting right.’ If anything could render this invaluable class of men dearer and more estimable than they are, it is this magnanimous sacrifice which they have made on the altar of principle, by consenting to admit those of their fellow-citizens, who, though not so highly favored as themselves by fortune, have still enough to bind them to their country, to an equal participation in the blessings of a free government. Thus I understand their wishes, and I will govern myself accordingly,—having the consolation to know, that if I shall have misunderstood them, they will have the

power of rescuing themselves from the effects of such misapprehension, by rejecting the amendments which shall be proposed for their adoption.

“But let us consider this subject in another and different point of view. It is our duty, and I have no doubt it is our wish, to satisfy all, so that our proceedings may meet with the approbation of the whole community; it is my desire to respect the wishes and consult the interests of all; I would not hamper the rich nor tread upon the poor, but would respect each alike. I will submit a few considerations to the men of property, who think this provision necessary for its security, and in doing so, I will speak of property in general, dropping the important distinction, made by the amendment offered, between real and personal estate. Admitting for the sake of argument, that the distinction is just, and wise, and necessary, for the security of property—is the object effected by the present regulation? I think not; property is not now represented in the Senate to the extent it is erroneously supposed to be. To represent *individual property*, it will be necessary that each individual should have a number of votes in some degree at least, in proportion to the amount of his property; this is the manner in which property is represented, in various corporations and in moneyed institutions. Suppose in any such institution one man had one hundred shares, and another one share,—could you gravely tell the man who held one hundred shares, that his property was represented in the direction, if their votes were equal? To say that because a man worth millions, as is the case of one in this committee, has one vote, and another citizen worth only two hundred and fifty dollars in real estate, has one vote for senators, that therefore their property is equally represented in the Senate, is, to say the least, speaking very incorrectly; it is literally substituting a shadow for a reality; and though the case I have stated by way of illustration, would not be a common one, still, the disparity which pervades the whole community is sufficiently great to render my argument correct. * * * *

“The representation, then, of property in the Senate, under the existing constitution, is, as it respects individual estates, wholly delusive, and as it respects the interest of property in the different sections of the state, so flagrantly unequal as to destroy practical advantage to

property from a representation of it, and not only so, but to make it infinitely worse than if property was not professed to be represented at all. * * * *

“And what, I inquire, have been its practical effects? have they been such as to afford any additional security to property? have the members of the Senate, for years past, been more respectable for talents or integrity? have they shown a greater regard for property? have they been more vigilant in guarding the public treasury than the Assembly?”

“The Senate is the only legislative body in which I have ever had the honor of a seat; and I have been there from a very early age—almost all my political connections have been with that body—my earliest political recollections are associated with its proceedings; and I have had, in some of its proceedings, as much cause for individual gratification as could well, under the same circumstances, fall to the lot of any man; notwithstanding which, and also the strong partiality I have always felt for that body, I cannot say, that in the many years I was there, the sentiment never occurred to me that such was the case. On the contrary, a regard to truth constrains me to say, that everything which regarded the imposition of public burdens, and the disposition of public property, was more closely looked into, and more severely scrutinized, by the Assembly than the Senate. The sense of immediate responsibility to the people, produced more effect on the Assembly, than the consideration that they represented those who were supposed principally to bear the burdens, did in the Senate; and such, I conscientiously believe, will always be the case. I ask the members of the committee, whether they believe that there has been a moment for the last forty years, when a proposition in the Assembly to make an unjust distinction between real and personal property, in the imposition of public burdens, would not have been hooted out of that body, if any one had been found mad enough to have dared its introduction? Why, then, I ask, alarm ourselves by fear for the future, which the experience of the past has demonstrated to be erroneous? Why disregard the admonitions of experience, to pursue the dubious path of speculation and theory?”

"I have no doubt but the honorable gentlemen who have spoken in favor of the amendment, have suffered from the fearful forebodings which they have expressed. That ever to be revered band of patriots who made our constitution, entertained them also, and therefore they engrafted in it the clause which is now contended for. But a full and perfect experience has proved the fallacy of their speculation; and we are now called upon again to adopt the exploded notion, and on that ground, to disfranchise, if not a majority, nearly a moiety of our citizens. I am an unbeliever in the speculations and mere theories on the subject of government, of the best and the wisest men, when unsupported by, and especially when opposed to, experience. I believe with a sensible, and elegant modern writer, 'that constitutions are the work of time, not the invention of ingenuity; and that to frame a complete system of government, depending on habits of reverence and experience, is an attempt as absurd as to build a tree, or manufacture an opinion.' * * *

"If, then, it is true that the present representation of property in the Senate is ideal, and purely ideal, does not sound policy dictate an abandonment of it, by the possessors of property? I think it does; I think so because I hold it to be at all times, and under all circumstances, and for all interests, unwise to struggle against the wishes of any portion of the people—to subject yourselves to a wanton exposure to public prejudice, to struggle for an object, which, if attained, is of no avail. I think so, because the retaining of this qualification in the present state of public opinion, will have a tendency to excite jealousy in the minds of those who have no freehold property, and because more mischief is to be apprehended from that source than any other. It is calculated to excite that prejudice because, not requiring sufficient to effect the object in view, it, in the language of Dr. Franklin, 'exhibits liberty in disgrace, by bringing it in competition with accident and insignificance.' * * *

"If I could possibly believe, that any portion of the calamitous consequences could result from the rejection of the amendment, which have been so feelingly portrayed by the honorable gentlemen from Albany, and for whom I will repeat the acknowledgment of my respect

and regard, I would be the last man in society who would vote for it. But, believing, as I conscientiously do, that those fears are altogether unfounded,—hoping and expecting that the happiest results will follow from the abolition of the freehold qualification, and hoping too, that caution and circumspection will preside over the settlement of the general right of suffrage, which is hereafter to be made,—and knowing besides, that this state, in abolishing the freehold qualifications, will be but uniting herself in the march of principle, which has already prevailed in every state of the union, except two or three, including the royal charter of Rhode Island,—I will cheerfully record my vote against the amendment.”

The amendment proposed by Judge Spencer was rejected, and the original proposition of the committee was adopted. Previous to this, however, Mr. Van Buren made an attempt to add to the highway qualification that of being a householder. Not succeeding in this—the only point in regard to which he dissented from the report of the committee—he gave his vote in favor of sustaining the report.

Over-zealous friends have sometimes claimed for him the credit of being among the foremost in advocating the doctrine of universal suffrage, in the convention of 1821; while, on the other hand, his opponents have ungenerously misrepresented the course which he pursued upon this and other questions. It was not his wish to do anything hastily. He desired carefully to examine the ground before taking a single step in advance; and not to overthrow the old constitution in an instant, and erect another on its ruins, based entirely upon abstract theories, and without the light of experi-

ence to guide and direct in its construction. In another speech on the property qualification, Mr. Van Buren said that there were probably not twenty members of the committee of the whole who were in favor of universal suffrage. "We had already reached," he said, "the verge of universal suffrage. There was but one step beyond. And are gentlemen prepared to take that step? We were cheapening this invaluable right. He was disposed to go as far as any man, in the extension of rational liberty; but he could not consent to undervalue this precious privilege so far as to confer it, with an indiscriminating hand, upon every one, black or white, who would be kind enough to condescend to accept it." *

Mr. Van Buren was particularly opposed to the further extension of the right of suffrage, because it would give the lowest classes of the population in the cities an undue influence in proportion to that of the agricultural districts in the interior. Subsequently, his views on this question were modified; and when he saw how well the change made by the convention of 1821 operated, he approved of the amendment extending the right of suffrage still further, and hailed it as another auspicious onward movement in that moderate and judicious reform which he had advocated.

In regard to the appointing power, as the chairman of the committee on the subject, he reported a plan, giving to the people the right of choosing more than

* Debates in the N. Y. Convention of 1821, p. 277.

eight thousand of the militia officers previously appointed by the governor and council, and conferring upon the legislature the power to designate in what manner a majority of the civil officers should be appointed or chosen. During the war of 1812, he had seen the evils resulting from disagreements between the executive and the civil officers, and he desired that the former should possess a large share of the appointing power. He thought that justices of the peace ought not to be elected by the people, unless it was decided to confer the same power in the case of all the higher judicial officers of the state; and this no one deemed advisable. He proposed, therefore, that the supervisors, and the judges of the court of common pleas of a county, should each nominate candidates for justices of the peace, and if they agreed, the individuals nominated were to be appointed; but if not, that then the governor should select the justices from the two lists. This plan was rejected by the convention by two majority, and the appointment of justices was given to the boards of supervisors and judges exclusively. The constitution was shortly after amended, so as to give the power of choosing these officers to the people, no one concurring more heartily in the amendment than Mr. Van Buren.

For similar reasons, he opposed the election of sheriffs and county clerks by the people, but the convention decided against him. As to the right of the people in the abstract to choose their own officers as

far as they could do so, he never doubted or denied it; but his course in the convention was influenced by this consideration—he thought it unadvisable, when they had hitherto enjoyed this right to a very limited extent, to destroy the old system at a single blow, but preferred that the right should be surrendered to them by degrees, as fast as they proved themselves capable of exercising it properly. He had an abiding faith in the capacity of man for self-government, but he was opposed to hasty and inconsiderate reforms. To divest the slave of his manacles, and at the same moment place the sceptre in his hands, no one would esteem wise or prudent; and the same principle, in the opinion of Mr. Van Buren, should govern in remodelling laws and amending constitutions.

All the younger republicans in the convention were exceedingly anxious to alter the judiciary system of the state, in order to get rid of the old judges. Rigid party man as was Mr. Van Buren, he opposed this movement, almost alone of his political friends, but without success. Nearly all the judges had long been among the most determined of his opponents, and one of them (Judge Van Ness) who was most deeply interested in this matter, as his main dependence was upon the emoluments of his office, had been peculiarly bitter in his opposition. Much to his credit, Mr. Van Buren disdained to be influenced by such considerations. “If personal feelings,” said he, “could or ought to influence us against the individual who would prob-

ably be most affected by the adoption of this amendment, I suppose that I, above all others, would be excused for indulging them. I can with truth say, that I have through my whole life been assailed from that quarter, with hostility, political, professional, and personal—hostility which has been the most active, keen, and unyielding. But, sir, am I, on that account, to avail myself of my situation as a representative of the people, sent here to make a constitution for them and their posterity, and to indulge my individual resentments in the prostration of my private and political adversary? I hope it is unnecessary for me to say, that I should forever despise myself if I could be capable of such conduct. I also hope that that sentiment is not confined to myself alone, and that the convention will not ruin its character and credit by proceeding to such extremities.” *

The convention terminated its labors on the 10th day of November, 1817, and Mr. Van Buren soon after repaired to Washington, to take his seat in the Senate, for the first time, in the month of December following. Transferred to this new sphere, his talents were not long in securing for their possessor an honorable place among his compeers. Able and distinguished as they were, they willingly recognized him as an equal. On the 17th of December he was elected a member of the committee on finance, and also of the committee on the judiciary. Of the latter committee

* Debates in the Convention, p. 525.

he afterward became chairman, and was continued as such while he remained in the Senate. His first speech was made on the land claim of the Marquis de Maison Rouge. The question was not one that afforded an opportunity for oratorical display, but the remarks of Mr. Van Buren were said by the *National Intelligencer* to evince "much talent," and to have produced "considerable effect." During the same session, he spoke with his accustomed ability on the apportionment bill; on the French land claims in Louisiana; the settlement of difficulties between the states; and the payment of salaries to public officers indebted to the government, the last question having reference to the case of John Quincy Adams, then secretary of state.

It would be impossible, however, in a mere biographical sketch like the present, to do justice to Mr. Van Buren's services in the Senate of the United States, and at the same time to preserve strict chronological order. For this reason it may be proper to consider separately the more important questions with which he was connected, or in which he was in any wise concerned.

With respect to his political course, as it related to individuals and parties, it may be said, that he supported the administration of Mr. Monroe to its close, but was one of the most active friends of Mr. Crawford, in the contest for the succession. He was present at the congressional caucus by which that gentleman was nominated, and did everything in his power to secure

his election. Failing in this, he was at first disposed to acquiesce in the decision of the people, and to give his support to the administration of Mr. Adams. But when the policy of the latter began to be developed, he became alarmed. He opposed the American System in all its features. His first decided stand against the administration was taken on the Panamá Mission. His principal speech on this question, delivered in March, 1826, was one of the happiest efforts ever made by him before a legislative body, as the following extracts will show :—

“I will now, Mr. President, call the attention of the Senate to another view of this subject, to a question of the gravest character, and most deeply affecting the dearest interests of the country—a question growing out of considerations which have heretofore occupied the best minds, and interested the purest hearts our country has produced :—
Would it be wise in us to change our established policy upon the subject of political connections with foreign states? The President has said that ‘to form alliances’ is not among the motives of our attendance at the Congress. But what description of alliance does he mean? They are of various kinds, and of different extent. We are, at that Congress, to stipulate in some form, (and I care not in what,) that we will resist any attempt at colonization, by the Powers of Europe, in this hemisphere, (or within our own borders if you please;) and that, in the event of any interference on their part, in the struggle between Spain and the Spanish American states, we will make common cause with the latter in resisting it. To this end we have been invited, and upon these points we have promised that our ministers shall have *full powers*. We must do this, or the whole affair becomes empty pageantry; which, though it may be the offspring of personal ambition, will assuredly terminate in national disgrace. Call it an ‘alliance,’ or whatever name you please, it is a *political connection*, at war with the established

policy of our government. And is this a light matter? Sir, when it is proposed to subvert a fundamental principle in our foreign policy, in the support of which we stand *alone* among all the nations of the earth—which, commencing with our government, is endeared to the people, and upon whose deep foundations has been erected the magnificent superstructure of unequalled national prosperity—it surely becomes those entrusted with the management of affairs, to pause, and weigh with scrupulous exactness, the importance of the step.

“In the discussion of this subject, I shall first consider the general principle: then the grounds of the distinction attempted to be made between its application to the Spanish American states, and to those of Europe. At this moment the United States, (thanks to the wisdom of their early councils!) are unfettered. No government has a right to demand our aid or interference in any of the changes in the condition of the world—come what may, we are now unembarrassed in our choice. Until lately, I had flattered myself that the acknowledged obligation on the part of our government to maintain that condition, was as firmly fixed as its republican character. I had the best reason to think so, because I knew it to be a principle in our political policy, which had for its support all that is instructive in experience, all that is venerable in authority. That authority is no less than the parting admonitions of the Father of his country. The earnest, eloquent, and impressive appeals upon this subject, contained in his Farewell Address, are yet, and will, I trust, long remain, fresh in our recollections; nor were the sentiments he thus avowed mere speculative opinions, founded upon an abstract consideration of the subject. No! they were sentiments matured by reflection, and confirmed by actual experience, of the practical results which had arisen from a connection of the character he so ardently and so justly deprecated. A reference to the history of that period will illustrate the fact, and is replete with instruction. During the War of our Revolution, we entered into an alliance with France, ‘the essential and direct end of which was, to maintain effectually the liberty, sovereignty, and independence, of the United States, absolute and unlimited, as well in matters of government as of commerce.’ By the treaty of alliance, we, in consideration

of the guarantee by France of the freedom and independence of the United States, undertook, on our part, to guarantee to France the possessions she then had in America. The revolution in France involved that country in war with the principal powers of Europe. Her American possessions were brought in danger; and, among other things claimed under the treaty of alliance, she called upon us for the fulfilment of our guarantee. At no period of our history has our government been placed in a more humiliating and embarrassing situation. The signal benefits we had received from France were known to the world, and fully appreciated by our citizens. Upon the terms of the compact there could be no dispute. The consideration upon which we had entered into it, was of the most sacred character. But the danger of compliance was imminent, and prevailed over every other consideration. Reposing itself upon the great principle of *self-preservation*—a principle extending itself as well to nations as to individuals—our government refused to comply with its engagement; and General Washington issued his celebrated proclamation of neutrality. The grounds relied upon to justify the step were, that our alliance was a *defensive* one only; that the war, on the part of France, was an *offensive* war, in which we were not obliged, by the law of nations, to take part; that the contest was, moreover, so unequal, and our means so inadequate, that, upon the principle of self-preservation, we were justified in refusing to take part with our ally. It was not expected that France would acquiesce in the validity of the grounds thus taken. She did not. The loud, solemn protests of her ministers, are remembered; as also, the measures resorted to for the purpose of obtaining, indirectly, some of the advantages claimed from the alliance—such as fitting out vessels of war in our ports, and enlisting our citizens in her service: England remonstrated, made strong imputations of partiality against our government—imputations founded on suspicions growing out of the known connection between us and France—and resorted to similar means to annoy her enemies and commit our neutrality. General Washington found it impossible to satisfy either party of the strict impartiality that governed our conduct. The result was war, in fact, with France, and many of the evils of war with England. She en-

forced against our commerce new and unjustifiable principles of public law on the subject of blockades and articles contraband of war. The sagacious mind of Washington, and the great men who enjoyed his confidence, traced the multiplied embarrassments of the country at that trying period, *to the treaty of alliance with France.*"

Mr. Van Buren then referred to the departure of the elder Adams from the Washington policy, in proposing the Berlin mission, the object of which was to form alliances with neutral nations for the protection and security of neutral rights. This question, with others, was distinctly put in issue at the presidential election in 1800, and the people decided adversely to the federal doctrine. Mr. Jefferson now came into power, and was pledged against all "entangling alliances" with foreign nations. To this pledge he faithfully adhered except in a single instance, in 1803; when, for the purpose of securing the navigation of the Mississippi—a matter of paramount importance to the western part of the Union—he proposed to guaranty to the king of Spain, and his successors, his dominions west of that river, provided he would sell to the United States all his possessions between the Mobile and the Mississippi. Fortunately, Spain did not accept the guaranty—fortunately, because when she demanded a fulfilment of the treaty in 1818, the United States could only have complied by making war against the friends of freedom in the Mexican states, and the non-acceptance of the guaranty when first proposed left them at liberty to decline a compliance with the demand. Mr. Madison

kept entirely clear of these objectionable alliances during his administration, as did Mr. Monroe also during his first term. But in 1819, through the influence, in great part, of Mr. Adams, then secretary of state, a treaty was concluded with England for the suppression of the slave-trade, yielding the right of search, and authorizing the authorities of that country to enforce the laws of the United States upon the citizens of the United States. The object of this alliance was a praiseworthy one, but the means for carrying it into effect were, from the necessity of the case, such as the American people could not approve. The treaty was rejected by the Senate; and so strong was the popular feeling against it that a similar treaty concluded with the republic of Colombia, shortly after shared the same fate, by an almost unanimous vote. Mr. Van Buren contended that the Panamá mission was a departure from the established policy of the government, like those measures of a kindred character to which he referred. He insisted that the proposed alliance with the South American states would necessarily be injurious, because, when the time came for carrying it into effect, innumerable difficulties would arise; and as an illustration in point, he referred the Senate to the memorable stipulation of the five great European powers at Vienna, in 1815, pledging themselves to unite in the suppression of the slave-trade, and the inability of their representatives, at the conference held at Aix-la-Chapelle in 1818, to agree upon the terms of coöperation.

"But I cannot consent," he added, "to trespass longer upon the time of the Senate in pushing the discussion of this point further, although various considerations operating against the measure, press upon my mind. If it were proposed to form a connection with any European power, such as now designed with the Spanish American states, it is hoped and believed, that the measure would not meet with one approving voice—shall I say—on this floor? No—not in the country!—But it has been supposed that the United States ought to pursue a different policy with respect to the states in this hemisphere. It is true, Mr. Monroe, in his message, makes a distinction of this character, although he by no means carries it to the extent proposed. If he did, all that the distinction could derive from that circumstance would be, the weight of his opinion, always considerable, but never decisive. The question still recurs—is the distinction founded in principle and policy? If it be, it must arise from one of two reasons; either the *character* of the governments of the Spanish American states, or their *local situation*,—or, perhaps, from both.

"The United States have hailed the emancipation of those states with satisfaction: they have our best wishes for the perpetuity of their freedom. So far as we could go to aid them in the establishment of their independence, without endangering the peace, or embarrassing the relations of our country, we have gone. More than that ought not to be asked. Nor has it. Sensible of the embarrassments which their invitation might produce, they declined to proffer it until advised that we desired to receive it. Next to being right, it is important to governments, as well as individuals, to be consistent. Has the character of these governments been the principle upon which we have hitherto acted in relation to those states? It has not. Mexico and Brazil were the last to shake off their dependence on foreign authority. They were among the first whose independence we acknowledged. Mexico was, at the period of its acknowledgment, under the dominion of the Emperor Iturbide, and Brazil of its Emperor, Don Pedro. As a special compliment to the Emperor of Mexico, we sent, or rather intended to send, to his *court*, one of the most distinguished men of the nation, (General Jackson.) At the court of the Emperor Don Pedro, we have

our minister: whilst in the republic of Peru—the power with which the first of the treaties, in virtue of which the Congress of Panamá is to be held, was concluded—we have not yet been represented. Do our principles admit that we should adopt the measures proposed with such reference, and upon such grounds? What are those principles?—That man is capable of self-government; that the people of every country should be left to the free selection of such form of government as they think best adapted to their situation, and to change it as their interests, in their own judgments, may seem to require. Wherein consists our objection to the Holy Alliance? Because they confederate to maintain governments similar to their own, by force of arms, instead of the force of reason, and the will of the governed. If we, too, confederate to sustain, by the same means, governments similar to our own, wherein consists the difference, except the superiority of our cause? What is their avowed motive? *Self-preservation, and the peace of Europe.* What would be ours? *Self-preservation, and the peace of America.*

“I wish to be understood. I detest, as much as any man, the principles of the Holy Alliance. I yield to no man in my anxious wishes for the success of the Spanish American states. I will go as far as I think any American citizen ought to go, to secure to them the blessings of free government. I commend the solicitude which has been manifested by our government upon this subject, and have, of course, no desire to discourage it. But I am against all alliances, against all armed confederacies, or confederacies of any sort. I care not how specious, or how disguised,—come in what shape they may, I oppose them. The states in question have the power and the means, if united and true to their principles, to resist any force that Europe can send against them. It is only by being recreant to the principles upon which their revolution is founded; by suffering foreign influence to distract and divide them; that their independence can be endangered. But, happen what may, our course should be left to our choice, whenever occasion for acting shall occur. If, in the course of events, designs shall be manifested, or steps taken in this hemisphere by any foreign power, which so far affect our interest or our honor, as to make it necessary that we

should arm in their defence, it will be done ; there is no room to doubt it.

"The decision of that question may safely be left to those who come after us. That love of country and of freedom, which now animates our public councils, is not confined to us, or likely to become extinct. We require neither alliance nor agreement to compel us to perform whatever our duty enjoins. Our national character is our best, and should be our only pledge. Meanwhile, let us bestow upon our neighbors, the young republics of the South, the moral aid of a good example. To make that example more salutary, let it exhibit our moderation in success, our firmness in adversity, our devotion to our country and its institutions, and, above all, that *sine qua non* to the existence of our republican government—*our fidelity to a written Constitution.*"

Previous to the delivery of this speech on the Panamá question, Mr. Van Buren had made an ineffectual attempt to have the discussion in the Senate carried on with open doors. In his view it was of the most important character, and should not be concealed from the American people. He had hitherto been disposed, as were most of the republican senators from the north who usually voted with him, not to offer any regular opposition to the administration; but its course in this respect he regarded as having an alarming tendency, and therefore resisted it at every step. In order to bring the question distinctly before the Senate, he submitted resolutions, on the 14th of March, 1826, declaring that the Constitution of the United States did not authorize the nomination, by the President, of ministers to an assembly like that proposed to be held at Panamá, and that, waiving the constitutional objec-

tion, the embassy in question was inexpedient. The Senate negatived the resolutions, however, by a vote of twenty-four to nineteen, and Commissioners were appointed; but, fortunately perhaps for the peace of the country, they were unable to attend the Panamá Congress, and no "entangling alliance" was concluded with the Spanish American states.

The subject of internal improvements by the general government was repeatedly agitated during the period of Mr. Van Buren's service in the Senate. At the session of 1821-2 he voted for a law authorizing the collection of tolls on the Cumberland road, for two reasons: because he desired to counteract the perpetual drain of the road upon the treasury, and to aid in the improvement of the western states as far as he could do so consistently with the Constitution. Upon a more careful consideration of the principle involved in this measure, he came to the conclusion that it was not authorized by the Constitution, and said that if the question were to be again presented, he would oppose it.* In his opinion, the federal government did not possess the power, under the Constitution, to carry on works of internal improvement within the states; and, if it were desirable to grant the power, he thought, with Jefferson, Madison, and Monroe, that the Constitution should be amended. John Quincy Adams, it is well known, entertained views upon this question di-

* Speech on Mr. Foote's Amendment to the rules of the Senate, April, 1828, (note.)

rectly the reverse, and it was probably owing chiefly to his influence in the cabinet, that Mr. Monroe was induced, toward the close of his administration, to surrender in part the high ground he had previously occupied.

In January, 1824, Mr. Van Buren called the attention of the Senate to the dangerous assumption of power by the general government, in regard to internal improvements, and submitted amendments to the Constitution limiting and defining its exercise. At the following session, the policy of Mr. Adams was fully developed, and he earnestly recommended the subject of internal improvements to the favorable consideration of Congress. This feature of the American System at once encountered the opposition of Mr. Van Buren. On the 19th of December, 1825, he offered two resolutions on the subject: one declaring that Congress did not possess "the power to make roads and canals within the respective states;" and the other proposing a select committee to prepare an amendment to the Constitution, prescribing and defining the power of Congress in this respect. These resolutions were highly approved by Mr. Jefferson,* but, though advocated and defended by the mover with great ability, did not secure a majority vote in the Senate. At the same session, in accordance with the sentiments expressed in his speech and resolutions, Mr. Van Buren voted against the appropriation for the Louisville

* Jefferson's Works, vol. iv. p. 424.

canal, and the proposition to subscribe to the capital stock of the Dismal Swamp Canal. From the views advanced by him in the Senate, and indicated by his votes, Mr. Van Buren never deviated while he remained in public life.

Being at the head of the committee on the judiciary, many of the most important laws passed in Congress were brought under his particular notice. Of this character were the bills establishing District and Circuit Courts in the new states and territories. At first he was inclined to favor a change in the judiciary system of the federal government, which should relieve the judges of the Supreme Court from travelling on the circuits, and confine them to the discharge of term duties only,—additional District Courts being established to take the place of the circuits which would be abolished. Subsequently his views underwent a change, and in an able speech delivered on the 7th of April, 1826, he reviewed the whole subject, showing the importance of requiring the judges to preside at the circuits, and adding to their number, when required by the increase of the circuits. He pointed out the natural tendency of the Supreme Court to strengthen itself and to enlarge its powers, from the tenure of the appointment of its members; and contended that, if their duties should become merely revisory, and they be no longer brought into contact with the people by presiding at the circuits, they would lose all sympathy with them, and every feeling

of dependence upon them, and thus become a court above the reach of the popular judgment, above the law and superior to the Constitution.

In view of the result of the presidential contest in 1824, Mr. Van Buren made repeated efforts to procure an amendment of the Constitution dividing the states into electoral districts; each district to choose one elector; the electors to vote for president and vice-president, and if no one had a majority of votes, then the electors to be again called together by the president and to vote for one of the two highest candidates; and if, upon the second vote, there should be no choice, then the election to devolve upon the House of Representatives, as the Constitution already provided. The adoption of this amendment was advocated by him with much earnestness, at three successive sessions, but it failed of success.

As Mr. Van Buren had favored a proposition to abolish imprisonment for debt in the state of New York, so he attempted to procure a similar reform in the civil code of the general government. He supported the bill having this object in view, brought forward by Richard M. Johnson in 1823, and endeavored, though in vain, by various amendments and modifications which he proposed, to render it satisfactory to a majority of the Senate.

He also advocated the establishment of a uniform system of bankruptcy, in the winter of 1827, but opposed every effort to ingraft upon the bill then under

discussion, any of the features of an insolvent law. At the same session, an interesting debate took place in the Senate on the subject of the trade with the British West India Colonies. In an able speech delivered on the 24th of February, 1827, Mr. Van Buren reviewed the whole controversy with Great Britain in regard to the colonial trade. After referring to the laws passed by Congress imposing discriminating and alien duties, the non-intercourse acts of 1818 and 1820, and the order in council laying countervailing duties on American vessels, he said that there was good reason, in 1824, to anticipate a speedy settlement of the difficulty. In 1817, the United States had adopted the principle "that the reciprocity of burdens and exemptions should extend to the cargo as well as to the vessel;" and that the same privileges ought to be allowed to American produce imported into the British Colonies that were allowed to the produce of the mother country or its colonies. The British ministry declared this principle to be wholly inadmissible, but in the negotiations of 1824 a disposition was manifested to abandon their ground. It was then proposed by the British government to place the United States on a footing with the most favored nation, but the American minister, in pursuance of positive instructions received through Mr. Adams, then secretary of state, insisted that American produce should not be subjected to a higher duty or impost than that arriving from "any other place,"—thus, in effect, denying to Great Britain the right of

imposing discriminating duties for the encouragement of her own productions. The negotiations in 1824 therefore failed, but when Mr. Adams became president, they were renewed again in 1826, and the American minister was then instructed to yield the point which had prevented an amicable adjustment in 1824. But as the American authorities had suffered nearly two years to elapse without accepting the terms proposed by the British government in 1824, the latter now refused to abide by its previous offer.

Meanwhile, however, acts had been passed in parliament in June and July, 1825, opening British ports to foreign vessels coming from a foreign country, upon equal terms with British vessels, provided that the country engaging in such trade and having colonies, should allow British vessels to trade with its colonies on similar terms, or if not having colonies, that it should place the trade with the British Colonies on a footing with the most favored nation. To these acts the British ministry pointed in reply to the American proposition, in 1826, as forming the basis upon which a new negotiation must be opened. At the session of Congress in 1825-6, an ineffectual effort had been made, which Mr. Van Buren supported, to pass a law reciprocating the terms proposed by the British acts. The passage of this bill was successfully resisted by the friends of Mr. Adams, and the British government, by an order in council, of July, 1826, closed the ports of their West India Colonies against the vessels

of the United States. The trade thus interrupted was of great value and importance to the American people, and all parties professed to be anxious to secure it. It was the policy of the administration to force the British government to abandon its position, by countervailing measures, although the United States had been placed in the wrong by neglecting promptly to accept the offer made in 1824, or to reciprocate the British acts of 1825. At the session of 1826-7, therefore, the friends of Mr. Adams in Congress proposed to pass a law closing our ports against British vessels coming by sea from certain enumerated ports, unless, within a specified time, the president should receive satisfactory information that the enumerated ports were open to American vessels upon the same terms prescribed in the British acts of 1825. This measure was avowedly one of retaliation, and Mr. Van Buren opposed it for that reason. He proposed, in its stead, to remove the ground of collision by abolishing the alien and discriminating duties upon certain conditions, and in the same law to present to the British government the ultimatum of the United States in the very terms which the former had offered in 1824. In this way, he insisted, the final determination of the American government would be made known, and there would be no sacrifice of national dignity. The position taken would be firm, yet at the same time conciliatory, and if the British government revoked its order in council of 1826, the president would then, by proclamation, remove the

discriminating duties imposed by former acts. The controversy would thus be narrowed down to a single point. If Great Britain accepted the terms which she had herself proposed, the colonial trade would be opened; if not, the United States would continue its retaliatory policy.

In consequence of a disagreement between the two houses of Congress, no act was passed at the session of 1826-7 in regard to the colonial trade, and on the 17th of March, 1827, President Adams issued a proclamation, in pursuance of the act of 1823, declaring the trade with certain British ports to be prohibited. The general sentiment of the country was undoubtedly in favor of an abandonment of the coercive policy, as Mr. Van Buren and others desired; but the administration seem to have approved this policy, though they proposed, in 1826, the same terms offered by the British government in 1824. By the proclamation of the president, in March, 1827, the dispute was rendered still more difficult of adjustment; and under such unfavorable circumstances, the question was left by Mr. Adams to be settled by his successor.

Upon the subject of the public lands, Mr. Van Buren was early committed against the policy of distribution subsequently advocated with so much zeal and ability by Mr. Clay. While the former was in the Senate, this question was not presented in the shape it afterward assumed, but in a few remarks submitted by him, in May, 1826, on a motion for information, he

declared his readiness to vote for a proposition vesting the lands in the states in which they lay on just and equitable terms as related to the other states. This idea—the cession of the public lands to the states—shortly after became the antagonist proposition to Mr. Clay's plan of distribution.

Mr. Van Buren was never friendly to a high protective tariff. Upon this important question he seems to have occupied a sort of compromise ground. He did not adopt the extreme views of the friends of a strictly revenue tariff, but was in favor of protection to a moderate extent. In his opinion, "the establishment of commercial regulations, with a view to the encouragement of domestic products," was "within the constitutional power of Congress."* Yet he did not think a greater amount of revenue should be raised by a tariff of duties, than was necessary for the economical administration of the government; but that the degree of protection he favored might be realized by discriminating duties. His position was that, in the main, held by the republicans of the northern states, and though not exactly in accordance with that maintained by the same party in the anti-tariff states, came much nearer to it than that of his opponents in the political contests through which he passed.

He voted for the tariff act of 1824, though not entirely satisfied with all its details. The tariff movement in 1827-8 was almost wholly of a political char-

* Letter to the Shocco Springs' Committee, October, 1832.

acter ; and John Randolph pithily said of the act of 1828, that it referred "to manufactures of no sort or kind, but the manufacture of a president of the United States." The remark was no less witty than true. Political considerations connected with the approaching presidential election, either guided or controlled the proceedings that led to the passage of the act, and operated most powerfully upon the minds of its framers.

It has been justly said of the administration of John Quincy Adams, that "the merits and demerits of his policy were positive.* But he failed to carry out any of the great measures which he recommended. The proceeds of the public lands were not distributed among the states ; no provision was made for a general system of internal improvements ; the coercive policy failed to secure the colonial trade ; and the Panamá mission, though sustained in Congress, was defeated, in the end, by a combination of circumstances. In regard to the tariff he did not fully commit himself in favor of the high protective system until his last annual message ; yet the subject was repeatedly brought before Congress by the Secretary of the Treasury, Mr. Rush.

Previous to this time the tariff question had not entered much into national politics. But the interest which had been fostered by the acts of 1816 and 1824, had now become a most powerful one, and not content with the encouragement it had already received, was clamorous for additional protection. This was desired

* American Annual Register.

not only by the manufacturers of iron, and of cotton and woollen goods, but by the wool and hemp growers of the middle and western states. The producers of corn and rye also asked to be protected against the importation of molasses for the manufacture of spirits, which was carried on somewhat extensively in the New England states. The whole Union, indeed, with the exception of the staple states at the south, seemed to be in favor of increasing the protective duties. It was evident, then, that this great interest must exert a controlling influence upon the presidential election in 1828, and politicians of all parties engaged with zeal and earnestness in the effort to secure it for their particular side.

Mr. Adams was inclined to be partial to the manufacturers in the Eastern states, a large majority of whom were his political friends; and after the defeat of the woollens bill in 1827, he encouraged, if he did not advise, the convention of the advocates of increased protection held at Harrisburg in the summer of 1827. At this convention a tariff of high duties was agreed upon, which was satisfactory to the manufacturers, but did not meet the wishes of the agriculturists. Mr. Van Buren took a prominent part in a public meeting held in the city of Albany on the tenth of July, called for the purpose of considering the propriety of sending delegates to the Harrisburg convention, and was the principal speaker on the occasion. In his remarks he expressed himself friendly to a protective tariff, but he

warned the manufacturers against uniting their fortunes with any political adventurer. He said that no system could be permanent that did not protect all the great interests of the country alike; that neither the manufacturer nor the agriculturist should be favored at the expense of any other class; and that moderate counsels were much more reliable than the intemperate zeal manifested by the leaders in the movement then making, which, as he firmly believed, proceeded "from the closet of the politician rather than from the workshop of the manufacturer."

Meantime the political elements had been moving adversely to the interests of Mr. Adams. Not a single measure of his administration had been successful, and none had added materially to the number of his friends. His union with Mr. Clay brought him no considerable accession of strength, for many of the most ardent admirers of the latter no longer adhered to his fortunes. Mr. Adams had been reared in that school of moderate federalists to which his father belonged, and of which Rufus King was for many years the representative; and while he supported the policy of Jefferson and Madison in respect to the foreign relations of the country, in its domestic legislation he seems to have been inclined to favor the doctrines of the school in which he was educated. From 1816 to 1825 parties were in a sort of transition state; but upon the election of Mr. Adams, all the moderate federalists, and the conservative republicans—the latter, however, forming

a small proportion of the republican party—rallied around his administration. The ultra federalists divided; one portion forgetting their family differences with the Adamses and uniting with the administration party, and the other portion turning their backs on the principles they had once advocated, and going over to the new republican party now rallying under the leadership of Andrew Jackson.

In the 19th Congress Mr. Adams' friends were in a large majority, but in the next Congress his opponents were the most numerous, and they were consequently enabled to give the tariff question such a direction as inured to the benefit of their favorite candidate. Before referring to the passage of the act of 1828, however, it may be well to explain more particularly the political course of Mr. Van Buren.

For many years there had been two political parties in the state of New York, divided more upon personal than political questions. These were the Clintonians and the Bucktails. The former were composed of a fraction of the old republican party and the great majority of the federalists, while the Bucktails consisted of the main body of the republicans united with the small number of federalists who had supported Madison and the war. During the administration of Mr. Monroe the two parties were separated upon state issues, or the merits of De Witt Clinton; but when Mr. Adams became president, the members of either party soon found themselves disagreeing upon national questions.

The leaders of both these parties, Mr. Clinton and Mr. Van Buren, were opposed to Mr. Adams. The former was one of the earliest friends of General Jackson in the northern states. Mr. Van Buren had supported Mr. Crawford during the contest of 1824, and afterward adhered to him faithfully till his continued ill-health rendered it impossible that he should again become a candidate, when, with the whole Crawford party, the former united with the Jackson republicans and that portion of Mr. Clay's friends who could not be prevailed on to support Mr. Adams.

With Mr. Clinton and Mr. Van Buren both arrayed against the administration, it was almost a hopeless task to think of securing the great state of New York for Mr. Adams, at the presidential election in 1828. Their views in regard to the succession were well known, but the Adams' men seem to have feared a collision, and to have carefully avoided it up to the last moment. The Clintonian Adams men in the New York legislature, nearly all of whom had been federalists, attempted to prevent the reelection of Mr. Van Buren to the Senate in the winter of 1827, and for that purpose held a caucus at which Stephen Van Rensselaer was nominated as the opposing candidate. But the Bucktail Adams' men could not be prevailed upon to desert their leader, and but two of them attended the caucus. Mr. Van Buren was reelected, therefore, on the 6th of February, 1827, by a large majority. Besides receiving the support of the Bucktail members,

he was also voted for by several Clintonian Jackson men, who were known to be the confidential friends of Mr. Clinton, and very probably acted in accordance with his wishes.

Mr. Van Buren's tact and skill as a party disciplinarian never stood him in greater stead than at this crisis. He possessed a rare faculty of governing and controlling men. His knowledge of human nature was extraordinary. He studied men as well as books. He was a practical politician, and he not only had ability, but he knew when and how to use it, and in what manner to take advantage of times and circumstances. No man contributed more than he to the organization of the Bucktail party, and it was almost a perfect piece of human machinery which could be guided and directed in accordance with his will. A firm adherence to regular nominations and to the decisions of party caucuses, was the cardinal feature of his creed, and it became that of his political friends. All merit has been denied to Mr. Van Buren in this respect, but that of a capacity for intrigue and cunning. A superficial observer might be disposed to concur in this judgment, but he who examines causes and effects more critically will see that Mr. Van Buren was obliged, as it were, to adopt this policy by the new order of things. Under the old constitution of the state and the party customs then in vogue, the members of the legislature controlled everything ; they elected the council of appointment, and they nominated the candidates for gov-

ernor and lieutenant-governor, and elected all the other state officers. Prior to 1828, also, the presidential electors were chosen by the legislature.

But when the new constitution enlarged the basis of the right of suffrage, and nominating conventions composed of delegates appointed for a specified purpose, were substituted for legislative caucuses, it became necessary for the political leader who desired to be successful, to change his tactics. Executive patronage alone was not sufficient; Mr. Clinton tried it and failed. But Mr. Van Buren, in addition to this, impressed upon his followers the absolute necessity, in order to be successful, of adhering firmly to the party organization, and of supporting with fidelity the nominees of caucuses and conventions. The result demonstrated his shrewdness and his wisdom. He succeeded where others had experienced failures and disappointments, and his policy we have seen adopted and imitated by all the public men of his state.

At the fall election in 1827 the issue was made between the friends and opponents of General Jackson. No formal understanding had been entered into between Mr. Van Buren and Mr. Clinton, but the intimate friends of the former frequently visited the governor, and whatsoever influence he could bring to bear upon the Clintonian Jackson men was cheerfully exerted. Mr. Van Buren carried the whole Bucktail party with him in support of General Jackson, with the exception of a few federalists or particular admirers of

Mr. Clay. Consequently a very large majority of the members of the legislature chosen at this time were friendly to General Jackson, now become the leader and head of the reorganized republican, or, as it was called in the northern and western states, the democratic party.

This demonstration alarmed the friends of Mr. Adams, and their only hope rested on the tariff question. But the Jackson men were in the majority of both Houses of Congress. They elected the speaker of the House of Representatives, and the committee on manufactures was constituted unfavorably to Mr. Adams. The tariff of duties agreed upon at Harrisburg was not approved by the committee, but a new bill was prepared which favored the agriculturists more than the manufacturing interest desired to do. This bill was drawn up by Silas Wright, a warm friend of Mr. Van Buren, and it provided for the imposition of a high rate of protective duties. While the bill was still pending, the New York legislature passed resolutions by an almost unanimous vote, instructing their senators to vote in its favor. Mr. Van Buren did not feel satisfied with the bill; it is very probable, however, that he desired to have something done to secure the tariff interest in the middle and western states for General Jackson; and his votes upon the various amendments offered in the Senate seem to have been influenced more or less by this consideration. When the

final vote was taken, he obeyed his instructions, and supported the bill.

The law of 1828, no doubt, added materially to the strength of General Jackson in the middle states, or to speak more properly, perhaps, it served an important purpose in preventing the administration from alienating from him those tariff friends whose votes contributed to his success. The Adams' men were completely outwitted, and their candidate failed. But the law was a bad one—unfair and unjust—and should never have been passed. It is very doubtful, indeed, whether the result of the presidential election would have been different, taking the whole Union together, if the law had not been enacted. Giants, however, are as liable to stumble as pigmies, and great men sometimes commit errors as well as fools.

At the same session of Congress, Mr. Van Buren advocated the passage of the bill for the relief of the surviving officers of the revolutionary army, in an able speech delivered on the 28th of January, 1828. He also defended the position assumed by the vice-president, Mr. Calhoun, that the latter had no right to call a senator to order for words spoken in debate; and in his speech on this question—which had an important political bearing, because Mr. Adams himself, who had been assailed by John Randolph in the Senate, attacked the decision of the presiding officer, in the National Intelligencer—Mr. Van Buren entered into an elaborate review of the history of political parties, and showed,

as his friends claimed, that the administration party had supported measures, and entertained opinions in regard to the powers of the government, similar to those brought forward and advocated by the federalists under the administration of the elder Adams.

The question of the unconstitutionality of the United States Bank, or of its recharter, was not agitated while Mr. Van Buren was in the Senate ; but in his speech on the powers of the vice-president, he fully committed himself upon it, in advance, and said that he regarded the old bank as the “great *pioneer* of constitutional encroachments.”

The peculiar position of De Witt Clinton and Mr. Van Buren with reference to national politics, they being the leaders of rival parties in the state, yet both the friends and admirers of General Jackson—their personal relations from 1825 till the death of Mr. Clinton—and the effect of that sad event upon the political fortunes of Mr. Van Buren—have been so often the subjects of comment, that it will not be out of place to introduce here some extracts from a letter addressed to the author by a cotemporary of those eminent men, whose means of information were such as to entitle his statements to be received with the fullest confidence :

“There were not,” says the letter, “any authorized steps taken toward bringing about a friendly understanding between Governor Clinton and Mr. Van Buren in the winter of 1827–8, in view of the presidential election. The posture of parties and interests

at that time, while it did not invite or produce personal antagonism or political asperity between those gentlemen, precluded anything like an arrangement or understanding. At an earlier day, viz. during the session of 1826, interviews were certainly had between Benjamin Knower, Perley Keyes, and Governor Clinton, and between the friends of Governor Clinton and Mr. Van Buren ; but with less reference to the presidential question and to national politics, than to questions of state policy and of immediate legislative action. Indeed, at that time, the course of the democratic party in the state,—although the indications, to those familiar with moving causes, pointed in one direction,—the prevalent, but quiet, feeling of that party, in all its public movements, was to avoid a discussion of, or direct committal upon, the presidential question, and to reserve the democratic strength for an expression at the proper time that should carry its united energies, with auxiliaries from other parties, to the support of General Jackson. The legislative appointments of that session (1826), of Chancellor Jones and Colonel McKown, and particularly the desire of the friends of Mr. Van Buren to induce Governor Clinton to nominate Mr. Redfield* to the vacancy occasioned by the resignation of Judge Rochester, led to these interviews and partial understandings. But the presidential question, although remote and not yet publicly mooted, was undoubtedly not without its effect upon the action of the

[* Heman J. Redfield.]

day ; and led to a conciliatory course toward Governor Clinton, and, no doubt, to a readiness to reciprocate it on his part. After the election of 1824, and upon the accession of Mr. Adams in 1825, Governor Clinton avowed his preference for General Jackson. Many believed,—and I was so assured by prominent friends of his—that he declined the mission to England, ostensibly because he was unwilling to quit the state government, or to incur the expense of a foreign embassy in the state of his pecuniary affairs, but really because he preferred not to accept office under Mr. Adams, and thus identify himself with his administration.

“In the spring of 1826, so well known were Governor Clinton’s views toward Mr. Adams, that among the prominent politicians in the democratic party at Albany, an unwillingness was felt and expressed to bring out a candidate in opposition to him at the ensuing state election. The extent of this feeling was not unknown to Governor Clinton. The personal relations of Governor Clinton and Mr. Van Buren were at this time, if not cordial, at least friendly.* * * * But such was the prevalent desire of the democrats of the interior, where the old feeling was yet active, to offer a candidate of their own, that it was not deemed expedient or even practicable to resist it. A knowl-

[* During the summer of 1826 friendly visits were interchanged between Governor Clinton and Mr. Van Buren. They dined with each other, and often met at the houses of their respective friends.]

edge, however, of the existence of a qualified friendly feeling toward Governor Clinton at Albany, and a belief that any opposition to him would be unsuccessful, induced Chancellor Sanford and other prominent gentlemen to refuse their names as opposing candidates, although the former was urgently appealed to, when it was found that an opposing nomination was unavoidable. The nomination of Judge Rochester was then suggested, and promptly acquiesced in and cordially supported by Mr. Van Buren and his friends. The greatly reduced majority by which Governor Clinton was reëlected, evinced the activity and vigor with which the contest was conducted by the democratic party of the state.

“Although this contest had, so far as the action of parties was involved, again separated Mr. Van Buren and Governor Clinton, and little opportunity for personal intercourse was afforded, no personal asperity was manifested by either. Nor was it politic to indulge it, on either side, in any offensive manner, since whatever may have been Governor Clinton’s inducements to a state of modified good feeling, the reëlection of Mr. Van Buren to the United States Senate, at the session of 1827, was a result which his friends were desirous to accomplish, and which, however confident of success, they would not leave to the hazard of any fortuitous adverse combinations. It is undoubtedly true, that, subsequently, the peculiar political aspects, the known partiality of Governor Clinton for

General Jackson, and the belief that it was in a degree at least reciprocated, threw a doubt over Mr. Van Buren's fortunes, and seemed to foreshadow an ultimate conflict between them for position in the administration. It is true, also, that this feeling produced its effect upon the minds of the principals, and the more immediate friends of each, and that some of them were not unwilling to effect an understanding that should enable both to support General Jackson, and coöperate in his administration. A sort of armed truce followed the reëlection of Mr. Van Buren to the Senate, two or three of the Clintonian friends of General Jackson having voted for him, while the great body of the party with which Governor Clinton acted voted against him, as they ultimately voted against General Jackson. * * * What would have been the course of events—what the struggle for ascendancy in the cabinet or administration of General Jackson—and which would have obtained the mastery—for it is obvious that their aims and interests, and the parties attached to each, would clash—is now, and ever can be only matter of conjecture, since the sudden death of Governor Clinton terminated his career and the aims of his friends, and placed Mr. Van Buren in the commanding position which led directly to his ascendancy in the national councils."

It may be idle to speculate upon the turn which the fortunes of Mr. Van Buren would have taken, if Mr. Clinton had not died at this particular juncture ; yet

it seems to be necessary, because it has been said that the former was indebted entirely for his subsequent success to the decease of his rival. The death of Governor Clinton, indeed, was fortunate for Mr. Van Buren, inasmuch as it removed a barrier to his political advancement; but it is by no means improbable that that barrier, if such it had in reality proved, would have been overcome. If the chief magistracy of New York had contented Mr. Clinton, he would undoubtedly have received the support of Mr. Van Buren; but, had he aimed to secure a controlling influence in the new administration, a collision between them would have been unavoidable. It was said by the presses in the interest of Mr. Adams, that if Mr. Van Buren had been appointed minister to England in 1825 instead of Rufus King, there would have been no contest for the presidency in 1828; yet this compliment to his standing and importance, however deserved, had very little of truth, in other respects, to commend it. The ambition of Mr. Van Buren looked to advancement in the general government, and a foreign mission was certainly not calculated to further his views.

Mr. Van Buren occupied the vantage ground of Mr. Clinton with reference to national politics. He was the acknowledged leader of the old Crawford interest, and no politician belonging to the republican, or democratic party, as they now styled themselves, in the northern states, contributed more than he to pave the

way for the success of General Jackson. During the administration of Mr. Adams he stood in the front rank of the minority in the Senate. His fascinating address, his imperturbable temper, and his unfailing courtesy in times of the highest excitement, gained him many warm friends in Congress, and secured the respect of his opponents; while, at the same time, his talents were achieving for him a national distinction, and many already anticipated his advancement to a larger sphere of usefulness. He had no rival from the north in Congress; in the west, he had the powerful support of Thomas H. Benton; and in the south, John Forsyth was his firm ally and friend. John C. Calhoun wielded a commanding influence in Pennsylvania, and in South Carolina and the adjoining states, but he had manifested his repugnance to De Witt Clinton at the very outset of his political career. Edward Livingston and Felix Grundy were the confidential friends of General Jackson; the former, though now a resident of Louisiana was the head of the Livingston family of New York and had inherited not a few of their prejudices against the Clintons; and both were inclined to be partial to Mr. Van Buren rather than to Mr. Clinton.

In respect of character and ability, also, Mr. Van Buren had the advantage of Mr. Clinton. Both possessed talents of a high order. Mr. Van Buren had less genius, but more practical tact. Mr. Clinton had more self-reliance, Mr. Van Buren greater self-command. The one was wilful, headstrong and impatient;

the other calm, cautious and prudent. Mr. Clinton was reserved in manner, but gave free utterance to his thoughts,—Mr. Van Buren was frank in manner, but concealed his thoughts. Mr. Clinton was always bold and decided,—Mr. Van Buren only so at the proper time. The former studied books,—the latter men. The one could scarcely control himself, much less govern others; the other was a complete master of himself, and, therefore, easily obtained the mastery over others. Such being the distinctive traits of each, it is not difficult to determine which was the better politician of the two, or which was more likely to be successful.

By the death of Mr. Clinton, in February, 1828, a vacancy occurred in the executive administration of New York. The friends of Mr. Van Buren, as well as himself, were then looking forward to a seat in the cabinet, and they supposed it would advance his and their views, if they could stamp upon him the approbation of the democratic, or Jackson party, in the state, by electing him to the vacant gubernatorial chair. He was well satisfied with his position in the Senate, but deferred to the advice of his friends. But when it was decided that he should become a candidate, there was still a difficulty in the way; and that was the selection of a proper person for lieutenant-governor, for, in case Mr. Van Buren were to take a seat in the cabinet, upon the former would devolve the executive duties for nearly the entire term. Mr. Van Buren, of course, had

no desire that the office should be filled by one who was unfavorably disposed toward himself; and in the event of the Jackson party being successful, it was foreseen that great caution and prudence would be required in the appointments to offices, most of them being then filled by Clintonians, and the Bucktail Jackson men naturally regarding themselves as better entitled to favor.

It was finally agreed that Enos T. Throop, then circuit judge of the seventh circuit, was the most suitable person to be supported for the office of lieutenant-governor. Besides possessing the requisite talents for the proper discharge of the duties of the higher office, Judge Throop was a firm party man, and cherished no ulterior views that could possibly clash with the interests of Mr. Van Buren. Accordingly, the latter visited the Judge at his residence on the Owasco Lake, near Auburn, in the summer of 1828, and prevailed upon him to permit the use of his name before the democratic convention soon to assemble.

The Jackson convention met at Herkimer in September, and Mr. Van Buren and Judge Throop were nominated for governor and lieutenant-governor. The selection of the former had been generally anticipated, and no opposition was made to his nomination in the convention. The election was a warm and exciting one, particularly in relation to the contest for the presidency. For the state offices there were three tickets in the field. Smith Thompson, one of the Justices of

the Supreme Court of the United States, was supported for governor by the Adams men, or National Republicans, and Solomon Southwick by the Anti-masons, a new political party then recently formed. The Anti-masonic ticket drew off from Mr. Van Buren a number of Jackson men in the western part of the state; and, consequently, he did not receive a majority over both the opposing candidates. There were over two hundred and seventy-six thousand votes cast for governor; the plurality of Mr. Van Buren over Judge Thompson was upwards of thirty thousand; and Mr. Southwick received only about thirty-three thousand votes. If there had been but two tickets, Mr. Van Buren would still have been elected without any question, although Mr. Hammond is so positive in expressing a contrary opinion.* The masons among the national republicans would never have voted for an anti-mason, and all the leading anti-masons were as yet decidedly adverse to a coalition with either one of the two principal parties.† The true test was the electoral ticket; the Jackson candidates receiving upwards of five thousand majority in the state.

Having resigned the office of Senator, Mr. Van Buren took the constitutional oath as governor of the state on the first day of January, 1829. His message at the commencement of the session of the legislature in the same month was admitted to be an able one by

* Political History, vol. ii. p. 289.

† Mr. Van Buren and Mr. Throop were not masons.

members of all parties. He referred approvingly to the canal system and policy of the state, but advised caution in the prosecution of other works. He recommended, also, the abolition of the auction monopoly, the revision of the election laws so as to prevent the unnecessary expenditure of money at elections, the repeal of the district system of choosing presidential electors and the substitution of a general ticket ; but the principal topic of his message, as it was the engrossing subject of discussion in the legislature, was the renewal of the bank charters, a large portion of which were about to expire. A reform in the banking system of the state had long been called for, and had been repeatedly recommended by De Witt Clinton. The people of the state had suffered a great deal from the frequent failures of banking institutions, and demanded a change. Different plans had been proposed to remedy the evils complained of, but one, subsequently known as the safety fund system, prepared by Joshua Forman, then a resident of Syracuse, but who afterward removed to North Carolina where he died, appeared to be the most feasible. This was submitted to Mr. Van Buren, and after undergoing some modifications suggested by himself or the experienced bankers whom he consulted, was adopted by him. He recommended it to the attention of the legislature in his annual message, and soon after laid it before them in detail. The plan, in substance, was approved of by the legislature, and the safety fund law enacted ; and all the banks in

the state were soon brought under this system. Subsequent events showed that it did not afford a perfect protection against fraud or failure; but it was so great an improvement on the old system, that Mr. Van Buren is entitled to much credit for perceiving its merits and for adopting it.

Mr. Van Buren's career as governor of the state was brief, indeed. His administration had just fairly commenced when he was invited by General Jackson, as had been anticipated by himself and his friends, to take a seat in the cabinet as secretary of state. The position thus tendered to him was accepted in compliance with the wishes of the democratic members of the legislature to whom the invitation was made known, and who advised its acceptance. On the 6th day of March, 1829, the nomination of Mr. Van Buren was unanimously confirmed by the Senate of the United States, and on the 12th instant, he announced to the legislature his resignation of the gubernatorial office. Resolutions were adopted by that body congratulating him on his appointment and approving of his decision; and accompanied by the best wishes of his friends he repaired to his post at the seat of government of the nation.

Though removed, as it were, from the politics of New York, Mr. Van Buren left behind him a great number of devoted friends to take care of his interests, to represent him in his native state, and to sustain him in his new position by her voice and influence. Among

them were the acting governor, Judge Throop, William L. Marcy, lately comptroller but then an associate justice of the supreme court, Silas Wright, jr., the comptroller, Azariah C. Flagg, secretary of state, Edwin Croswell, editor of the Albany Argus, James Porter, Register in Chancery and a brother-in-law of Governor Throop, and Benjamin F. Butler, the former law-partner of Mr. Van Buren. All were men of decided talents, and for many years they wielded an influence in this state in favor of Mr. Van Buren that was irresistible. They were termed by their opponents the Albany Regency, and Mr. Van Buren was called, somewhat derisively, the favorite son of New York. Whether these appellations were just or unjust, it is certain that they exercised a regent's power, and he was the fortunate, if not the favorite son, of his native state.

The office of secretary of state afforded no opportunity for particular distinction. The policy introduced by Mr. Van Buren and approved by General Jackson, in the management of our foreign relations, was frank and liberal, but firm and decided. While he had charge of the department, the negotiations with England were reöpened, the coercive policy was abandoned, and the colonial trade finally secured upon the most favorable terms. Other important negotiations, particularly with reference to long pending claims, were commenced under his auspices, and, after he left the department, conducted to a satisfactory adjustment

of the different questions involved, in the manner he had foreshadowed.

It was the desire of General Jackson that his cabinet should be a unit. Determined himself to assume all the responsibility of the acts of his administration, he wished his advisers to act harmoniously together. This was found to be impossible. Divisions and jealousies sprung up, and the cabinet was at length dissolved. The ostensible cause of this apparently untoward event affected only the private relations of the members of the cabinet, but the real source of the difficulty was more important. There were now two rival candidates for the succession—Mr. Van Buren and Mr. Calhoun—made so principally by the action of their friends. Each party endeavored to secure the higher position in the administration, and each was represented in the cabinet. Mr. Van Buren had the whole republican party in the north and west, with a few unimportant exceptions, in his favor. Mr. Calhoun had many warm friends all over the union, but at the south, where his chief popularity lay, the Crawford men divided the power with him. Mr. Van Buren was the favorite with the old Crawford party;* and they now arrayed themselves on his side. The supporters of Mr. Calhoun claimed to be particularly the

* The Crawford men in Georgia gave the vote of the state for vice-president, in 1824, to Mr. Van Buren, and in 1828 they refused to support Mr. Calhoun, and gave the electoral vote of the state to William Smith, of South Carolina.

friends of General Jackson, and the Crawford men, who could not forget that the former had been the chief cause of the defeat of their candidate in 1824, replied by charging them with being secretly hostile to the administration; and they pointed to Mr. Calhoun's course as a member of Mr. Monroe's cabinet in advising the censure of General Jackson for his conduct during the Seminole war, as affording the evidence of his personal hostility to the incumbent of the presidential chair.

The strife in the cabinet and in the party resulted in the ascendancy of Mr. Van Buren, and the original Crawford and Jackson men became arrayed against the friends of Mr. Calhoun. For a long time after the elements of dissolution were found to be at work in the cabinet, Mr. Van Buren kept it together by his conciliatory course, his admirable temper, his kindness of manner, and his prudence of speech and action. But he was ultimately convinced that the success of the administration, and his own prospects for the future, demanded his retirement from a position so unpleasant; and on the 11th of April, 1831, he opened the way to a dissolution of the cabinet, by a voluntary resignation of the office which he held.

General Jackson had now become warmly attached to Mr. Van Buren. He had great confidence in his ability, and desired to secure his services in another capacity. It had been his wish to settle all the questions in difference with Great Britain, such as the right

of blockade, the impressment of seamen, and the right of search, which had occasioned the war of 1812, and still remained unadjusted. Had Mr. Van Buren continued in the state department, he would have had the management of the negotiations; and it seemed to the president that the same thing might, in effect, be accomplished, by the appointment of the late secretary as minister to England, with full powers to conduct the negotiation upon those questions. Immediately after his resignation, therefore, the mission was tendered to Mr. Van Buren. His immediate friends were anxious that he should remain in the country, but the president so earnestly urged his acceptance that he finally complied and embarked for England in the course of the following summer. He reached London in September, and was received by the British court with every mark of favor.

The appointment of Mr. Van Buren having been made during the recess, it was one of the first brought forward for consideration when the Senate assembled at the regular session of Congress in December. It soon began to be whispered abroad that it would be opposed, and the question of his confirmation was thus placed in doubt. The instructions of Mr. Van Buren to Mr. McLane, by whom the negotiations for the recovery of the colonial trade had been conducted, were called for; and from these it appeared that that gentleman had been instructed, in his discretion however, to inform the British cabinet, if necessary to remove

the bad feelings produced by the course of the previous administration, of the position occupied by those then in authority with reference to the colonial trade. The tone of these instructions, though what might reasonably have been expected from Mr. Van Buren, considering his decided opposition to the coercive policy of Mr. Adams, was displeasing to the friends of the late administration in the Senate, and they voted against the confirmation. With them voted the two senators from South Carolina, Mr. Poindexter of Mississippi, and Mr. Moore of Alabama, who were the confidential friends of Mr. Calhoun. The vote was now a tie, and the vice-president, Mr. Calhoun, decided it in the negative, that the Senate would not advise or consent to the appointment.

Like the removal of Mr. Clinton from the office of Canal Commissioner, the rejection of Mr. Van Buren was an ill-advised act, and it often returned "to plague the inventors." It gained him troops of friends in every state in the union. He was regarded as a persecuted man, and meetings of indignation were held all over the country. In New York the proceedings were marked by great enthusiasm and devotion to Mr. Van Buren, and when he returned home he was welcomed by a perfect shower of addresses and resolutions, expressing condemnation of the act of rejection and the warmest attachment to his person.

The rejection did more than this. It secured him the nomination for the vice-presidency on the same

ticket with General Jackson in 1832, by a national democratic convention held at Baltimore in the month of May. This nomination was made in accordance with the general sentiment of the party as expressed at the county and state conventions. The republicans of Pennsylvania alone withheld from him their support, because he was understood to be opposed to a high protective tariff. He received a large majority of the electoral votes, however. The whole number was two hundred and eighty-six, one hundred and eighty-nine of which were given to him.

As the presiding officer of a deliberative body Mr. Van Buren had no superior. Both friends and enemies conceded to him the possession of rare qualities for such a station. A political opponent bears this honorable testimony: "A model presiding officer was Mr. Van Buren. The attentive manner in which he listened, or seemed to listen, to each successive speaker, no matter how dull the subject, or how stupid the orator, the placidity of his countenance, unruffled in the midst of excitement, the modest dignity of his deportment, the gentlemanly ease of his address, his well-modulated voice and sympathetic smile, extorted admiration from even an opposing Senate; while the proper firmness he displayed on all occasions, the readiness with which he met and repulsed any attack upon the privileges or dignity of the chair, the more conspicuous in contrast with the quiet indifference with which

he entertained any merely personal assault, gained him the good-will of all beholders.”*

The office of vice-president is one mainly of honor; and rarely in itself one of high importance. Mr. Van Buren supported the administration of General Jackson with all his influence, in the contest with the United States Bank, the removal of the deposits, the compromise, the controversy with South Carolina, the French difficulty, and all the other great measures and questions with which it was identified. Ever since his rejection it had been tacitly understood that he would be the candidate of the democratic party to succeed General Jackson; and at a national Convention held at Baltimore, in May, 1835, he was nominated by an unanimous vote on the first ballot, and the late Richard M. Johnson, of Kentucky, was selected as the republican candidate for vice-president. The protracted struggle of the United States Bank was now ended, and the country was apparently peaceful and prosperous. The election in 1836, therefore, passed off quietly, and Mr. Van Buren succeeded by a large majority. In the state of New York the majority for the Van Buren electors was nearly twenty-eight thousand. In the union he received one hundred and seventy of the two hundred and ninety-four electoral votes. He was duly inaugurated on the 4th day of March, 1837, on which occasion he delivered an address, the following extracts from which will show the views and prin-

* March's Reminiscences of Congress, p. 275.

ciples with which he entered upon the presidential office.

"The success that has attended our great experiment is, in itself, sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow-citizens, looking forward to the far distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that, if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come and that America will present to every friend of mankind the cheering proof, that a popular government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good; and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

"An imperfect experience, during the struggles of the Revolution, was supposed to warrant a belief that the people would not bear the taxation requisite to the discharge of an immense public debt already incurred, and to defray the necessary expenses of the government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity. No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends, in cases of emergency, has uniformly outrun the confidence of their representatives.

"In the early stages of the new government, when all felt the imposing influence, as they recognized the unequalled services of the first

president, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our government together, and save us from the violence of contending factions. Since his death nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and fortitude of the people have sometimes been greatly tried; yet our system, purified and enhanced in value by all it has encountered, still preserves its spirit of free and fearless discussion, blended with unimpaired fraternal feeling.

"The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American states. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe; and with the diffusion of intelligence, it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the great landmarks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

"In a supposed unfitness of our institutions for those hostile emergencies which no country can always avoid, their friends found a fruitful source of apprehension—their enemies of hope. While they foresaw less promptness of action than in governments differently formed, they overlooked the far more important consideration, that,

with us, war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice; who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our government; and amid recent apprehensions of a similar conflict, we saw that the energies of our country would not be wanting in ample season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it, but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

"Certain danger was foretold from the extension of our territory, the multiplication of states, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient than it is at its present limits; new and inexhaustible sources of general prosperity have been opened; and effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits, too apparent ever to be overlooked.

"In justly balancing the powers of the federal and state authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these, it was scarcely believed possible that a scheme of government, so complex in construc-

tion, could remain uninjured. From time to time embarrassments have certainly occurred; but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed! Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the federal government has successfully performed its appropriate functions in relation to foreign affairs, and concerns evidently national, that of every state has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much toward one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

"The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise, that, in spite of every sinister foreboding, it never, until the present period, disturbed the tranquillity of our common country. Such a result is sufficient evidence of the justice and the patriotism of their course; it is evidence not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as every other anticipated cause of difficulty or danger. Have not recent events made it obvious, to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included?

"Amid the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and standing as I now do before my countrymen, in this high place of honor and of trust, I can not refrain from anxiously invoking my fellow-citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will

be candidly weighed and understood. At least, they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, 'I must go into the presidential chair the inflexible and uncompromising opponent of every attempt on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding states; and, also, with a determination equally decided to resist the slightest interference with it in the states where it exists.' I submitted also to my fellow-citizens, with fulness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views, can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this, as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our government, are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred—terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of the people, nor sections of the country, have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but, with each, the object will be better understood. That predominating affection for our political system which prevails throughout our territorial limits, that calm and enlightened judgment which ultimately governs our people as one vast body, will always be at hand to resist

and control every effort, foreign or domestic, which aims, or would lead, to overthrow our institutions.

"What can be more gratifying than such a retrospect as this? We look back on obstacles avoided, and dangers overcome,—on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will, at all times, magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character and spirit, in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from a perfect equality of political rights.

"For myself, therefore, I desire to declare, that the principle that will govern me in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument, carefully and not easily framed; remembering that it was throughout a work of concession and compromise; viewing it as limited to national objects; regarding it as leaving to the people and the states all power not explicitly parted with, I shall endeavor to preserve, protect, and defend it, by anxiously referring to its provisions for direction in every action. To matters of domestic concernment which it has intrusted to the federal government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass. * *

"In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with

equal ability and success. But united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all, that he may yet long live to enjoy the brilliant evening of his well-spent life; and for myself, conscious of but one desire, faithfully to serve my country, I throw myself without fear on its justice and kindness. Beyond that, I only look to the gracious protection of the Divine Being whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of his providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace!"

It will be seen that the subject of the abolition of slavery constituted an important feature in the inaugural address. The agitation of this question had commenced in 1834-5 in the northern states. Mr. Van Buren and his friends in New York had, from the first, set their faces steadily against the movement. He deprecated the excitement as being likely to lead to sectional animosities which would disturb the peace and tranquillity of the union. While a candidate for the presidency in 1836, he declared himself, in reply to numerous inquiries, unequivocally and unalterably opposed to the anti-slavery agitation; and while he felt bound to admit that Congress possessed the power of abolishing slavery in the District of Columbia, which the abolitionists were then striving to accomplish, he said that, in his opinion, there were objections to the

exercise of that power as imperative in their nature and obligation "as the most palpable want of constitutional power would be." * Wisely, therefore, with a view of preventing the further spread of the excitement, and of quieting the fears of his republican friends at the south who had so generously and so warmly supported him during the recent canvass, he pledged himself on the threshold of his administration not to countenance in aught the designs of the abolitionists.

From the tone of his inaugural address, from his intimacy with General Jackson and his well-known approval of the leading measures of the late administration, the inference was irresistible, that Mr. Van Buren designed to carry out the same policy which had been pursued by his distinguished friend and predecessor. Had he not expressed himself so fully on this point, the conclusion would have been a natural one; especially when it was seen that he continued in office the cabinet advisers of General Jackson.

Mr. Van Buren was fortunate indeed in being surrounded by counsellors so able and distinguished on his first advent to power. At the head of the state department was his old and tried friend, the chivalric, accomplished and talented John Forsyth; Levi Woodbury, the able lawyer, the cool-headed statesman, and the skilful financier, presided over the destinies of the Treasury; Joel R. Poinsett, eminent both as a scholar

* Letter to the citizens of Jackson, North Carolina, March 6, 1836.

and politician, was selected to take charge of the war department recently vacated by the appointment of Governor Cass as minister to France; Mahlon Dickerson, for many years the sagacious and high-minded senator from New Jersey, was the secretary of the navy; Amos Kendall, the shrewd and forcible political writer, was the postmaster-general; and Benjamin F. Butler, the pupil, law-partner and protégé of the new president, filled the office of attorney-general. With such men to counsel and advise, had Mr. Van Buren possessed a bare tithe of the talents which were really his own, he could scarcely have failed to conduct his administration creditably and respectably, if not safely, through the trials and difficulties, the dangers and embarrassments, which constantly beset it from its beginning to its close.

The fourth of March, 1837, was a bright and beautiful day; and if the natural world ever sympathized with the pursuits and interests, the hopes and desires, of those who inhabit it, this might have been deemed a favorable augury for the new administration. Prosperity smiled on every hand, and happiness beamed in every countenance. But the former was unreal, and the latter, of course, evanescent. The bitter consequences of the high tariff policy were now apparent. A vast surplus of revenue had accumulated under the law of 1828 and the compromise act, which large expenditures had failed to absorb. Divided among the state banks selected as the depositories of the public

treasure, it became the basis of discounts to be counted only by millions. The expansion of the circulating medium was as rapid as the inflation of a balloon. Banking accommodations were furnished liberally, in many cases lavishly. Money was no more plenty than it had been, but the country was flooded with a paper currency. Credit was substituted for money,—the mere representative of money was mistaken for money itself.

Every one thought he was becoming richer, and as the volume of the currency enlarged, his ideas expanded. A mad spirit of speculation was the result. An unwonted energy—not the vigor of health, but the fiery vehemence of fever—was infused into every department of business. Cautious and far-seeing men looked on with doubt and trembling as they saw this strange delusion running riot through the land. Congress hastened to remedy the evil, and in 1836 the surplus was directed to be distributed among the states. Mr. Van Buren was opposed to this law, and his intimate friends in the Senate, Mr. Wright and Mr. Benton, predicted that it would have the effect which was soon witnessed. As the basis of the credit system was withdrawn the banks curtailed their discounts. The day of payment came—the delusion was over—and paper was no longer money!

Within less than two months after the inauguration of Mr. Van Buren the reaction took place. It could not be otherwise than terrible; but it stunned more

than it astonished,—it bewildered rather than surprised. The calamity was a national one, and it was not unnatural that government should be looked to for relief. The merchants and principal business men of the chief commercial city of the union earnestly appealed to the president to rescind the specie circular, to extend the time of payment on duty bonds, and to call an extra session of Congress. The requested forbearance was granted without hesitation; but the specie circular, originally designed to check the insane speculation in the public lands, seemed to Mr. Van Buren to be particularly necessary now in order to protect the government against the impending failure of the banks; and the exigencies of the country did not seem to require a special convocation of the national legislature.

When the decision of the president was made known the banks suspended specie payments, and in the month of May the pressure of 1837 was at its height. The real worth of the paper currency was now tested. It was found to be inconvertible into gold and silver, and instantly fell, by a sudden depreciation, at least ten per cent. below the nominal value. The prices of everything shared the same fortune; disaster and ruin stared every one in the face; and the government itself was threatened with bankruptcy. Mr. Van Buren and his cabinet immediately decided upon calling Congress together, and on the 15th of May the executive proclamation was issued.

The state bank deposit system had palpably failed, and the incorporation of a national bank as the fiscal agent of the treasury, was out of the question, since Mr. Van Buren and his party were pledged against it. In examining his position, however, he found that a graver principle was involved than a choice between two systems, one of which had been discarded on constitutional grounds, and the other had just demonstrated its incompetency. He was called upon to decide whether or no the connection between bank and state, which had been severed by the suspension, should be again renewed. To his mind, an entire separation seemed to be more consistent with the constitution, and with the doctrines of the old republican school; and he determined, therefore, to recommend that the public treasure of the nation should be kept by its own officers, and that henceforward there should be no connection between the business and funds of the government and those of the banks. He foresaw that he should encounter opposition, not only among the members of the powerful party arrayed against the previous administration, but among his own political friends; but he never doubted that "the sober second thought of the people,"—to use his own happy expression,—would do him justice in the end. "We cannot know," said he to a friend, when about preparing his first message recommending the divorce of bank and state, "how the immediate convulsion may result, but the people will, at all events, eventually come right,

and posterity at least will do me justice. Be the present issue for good or for evil, it is for posterity that I will write this message."

Some weeks previous to the assembling of Congress, the plan of an independent treasury was foreshadowed in some articles written by Silas Wright, then a senator in Congress from New York, and a confidential friend of Mr. Van Buren, which were originally published in the *St. Lawrence Republican*, but generally copied by the democratic papers. The public, therefore, were scarcely surprised, to find the subject occupying so prominent a place in the message of the president, delivered at the extra session commencing on the 4th of September.

A powerful opposition was offered to the independent treasury plan, as recommended by Mr. Van Buren. A bill framed in accordance with his views was introduced into the Senate by Mr. Wright, but the whig senators attacked it with unsparing vehemence. Mr. Rives, of Virginia, and Mr. Tallmadge, the other senator from New York, also united with them in denouncing it, and earnestly advocated the continuance of the state banks as the depositories of the public money. But, on the other hand, the administration received the powerful support of Mr. Calhoun and his friends, who had hitherto acted with the opposition on the currency question, but now took ground in support of Mr. Van Buren.

The incorporation of a national bank was a question

not much mooted, and the antagonist proposition to the independent treasury was the special deposit system. The chief advocates of the latter were the conservatives, as Messrs. Rives and Tallmadge, and the members of the House who followed their lead were termed; but the whigs generally voted with them, though they probably preferred a national bank.

Nominally, the administration had a majority in both houses of Congress. In the Senate the independent treasury bill was sustained, but it was defeated in the lower house by the votes of the whigs and conservatives. Congress now adjourned without having done anything toward allaying the excitement prevailing throughout the country, and the elections which took place this fall resulted adversely to the administration. The state bank interest, from being partially or positively attached to Mr. Van Buren, had become decidedly hostile, and continued to be so while he remained at the head of the nation.

In his annual messages, in December 1837 and 1838, at the two regular sessions of the 25th Congress, the president again and again recommended the independent treasury and the separation of bank and state, but no law was passed. In 1838, the elections took a more favorable turn; a majority of the members of the 26th Congress were decided friends of Mr. Van Buren; and at the first regular session a law was finally passed providing for the independent treasury, and was approved and signed by him on the 4th day

of July, 1840. This law was repealed in the following year, but was reënacted at the first session of the 29th Congress, and seems now to be the permanently established policy of the country. Experience has demonstrated that the fears of the state banks, in regard to its supposed injurious effects upon their business, were not well founded, and that powerful interest would appear to have at length acquiesced in the adoption of the system.

The divorce of bank and state, with which the name of Mr. Van Buren will be ever identified, was the great measure of his administration; and it will not be possible in a work of this character to do more than glance at its other prominent incidents.

Among the measures which he recommended were a bankrupt law applicable to banks and bankers, a preëmption law, and the cession of the public lands to the states. No bankrupt law was enacted during his administration, but the preëmption system which he recommended was approved by Congress, and a bill passed in both houses.

In the management of the foreign relations of the country, Mr. Van Buren displayed great prudence and discretion, together with proper firmness and independence. He obtained indemnities for spoliations from Mexico, Great Britain, Texas and Holland; and, under his auspices, important commercial treaties were concluded with the Peru-Bolivian Confederation, and with Holland, Greece, Sardinia, Ecuador and Bel-

gium. In the summer of 1837, the authorities of Texas, in conformity to a vote taken among the citizens of the young republic, proposed to annex that country to the United States. This proposition was declined by Mr. Van Buren, for these reasons: because, in his judgment, the acknowledgment of the independence of Texas, previously made by the United States, only admitted her separate existence as a government *de facto* and not *de jure*; because, while a state of war continued between her and Mexico—the United States continuing at peace with the latter power—the question of war with Mexico would be necessarily involved in the annexation; and because the conditions of the existing treaty of amity and peace ought to be scrupulously observed, so long as Mexico performed her duties, and respected the rights of the United States.

In 1837 a civil war broke out in Canada between the “patriots,” so called, on the one hand, and the loyalists, supported by the British authorities, on the other. The preservation of strict neutrality was a matter attended with great difficulty, especially for the reason that there were many of our people who heartily sympathized with the cause of the “patriots,” and on account of a pending dispute between Great Britain and the United States with reference to the northeastern boundary of the state of Maine, which had very much inflamed the minds of the inhabitants in that quarter. The course pursued by Mr. Van Buren

was in harmony with the tone of executive action throughout his administration. He was firm and decided in maintaining the laws, even though, by so doing, he alienated from him the sympathizers upon the frontier, and thus lost the support and the vote of his own state. But at the same time he was equally firm in defending the national honor and dignity, and amid the multiplied embarrassments that seemed to thicken around him at every step, he bore himself as became the chief magistrate of a free people.

In May, 1840, Mr. Van Buren was unanimously nominated for reëlection at a national democratic convention held in the city of Baltimore. The candidate of the opposition was William Henry Harrison of Ohio. The canvass was spirited beyond parallel, and Mr. Van Buren was warmly, and in many respects most unjustly, assailed. The result of the election was hardly a matter of doubt. What with the defection of the conservatives, the opposition of the friends of the Canadian patriots and the state bank interest, and the positive ill-will of the abolitionists, who were dissatisfied with the pledges given at the time of his inauguration and while he was a candidate, the party of which he was the head was considerably reduced in numbers. The accession of the State Rights men headed by Mr. Calhoun did not make up for what had been lost. Besides, the opposition party had a great advantage. They were composed of the most uncongenial elements, but the very diversity of sentiment only made them

stronger when they were out of office. They were contending for the spoils of victory, and their aims and interests did not clash till these came to be divided.

The various combinations arrayed in opposition to Mr. Van Buren were successful in procuring his defeat and the election of General Harrison. The former received the votes of New Hampshire, Virginia, South Carolina, Alabama, Illinois, Missouri, and Arkansas, making sixty in all, while two hundred and thirty-four were given to his opponent.

Shortly after the inauguration of his successor, Mr. Van Buren returned to his native state, and was welcomed on his arrival at the city of New York in the midst of a severe storm of wind and rain, by a large concourse of his democratic friends who had faithfully adhered to him in prosperity and were the last to desert him at such an hour. His reception was more than cordial; it was deeply affectionate, and made a profound impression upon his mind.

Having purchased the mansion and estate belonging to the late Judge Van Ness, about two miles south of the village of Kinderhook, to which he has given the name of Lindenwald in allusion to the noble linden trees amid which the dwelling is imbosomed, Mr. Van Buren retired hither to spend the remainder of his days among his family connections and friends. It was his intention that this retirement should be final, and he was only prevented from announcing his determination to that effect by the urgent entreaties of his intimate

political friends. They conceived that he had been unfairly defeated in 1840, and were desirous that he should be the standard-bearer of his party through another campaign. To these pressing solicitations he so far yielded as to permit the use of his name in connection with the candidacy. Early in 1843 sixteen states besides New York had declared in his favor as the presidential candidate in 1844, and the democrats of his own state then united most heartily in what seemed to be so general an expression.

But a new issue was now presented. Under the administration of Mr. Tyler a treaty had been concluded providing for the annexation of Texas. Pending the agitation and discussion of this question the opinions of the two prominent candidates for the next presidency, Mr. Van Buren and Mr. Clay, were elicited in reply to letters addressed to them. Both expressed themselves in favor of the acquisition of Texas, if the American people desired it, provided, however, that the consent of Mexico should first be obtained, or, at least, that efforts should be made to procure it. One of the principal reasons urged by Mr. Tyler and his friends for the annexation, was the security of the slaveholding interest of the south against the designs of British abolitionists who were understood to be seeking to gain a foothold in Texas. Neither Mr. Van Buren nor Mr. Clay objected to the annexation on account of the slavery question thus connected with it.

The views of Mr. Clay were satisfactory to a ma-

jority of his party friends, and he was put in nomination ; but the democratic members of Congress were generally in favor of the immediate annexation of Texas, and through their influence the national democratic convention, which met at Baltimore in May, 1844, decided adversely to Mr. Van Buren. A vote of two thirds was required to make a nomination. Mr. Van Buren received a large plurality of the votes on several ballotings, but his friends were finally induced, under the persuasion that he could not be nominated, to surrender their preferences and to support Mr. Polk, who was duly declared to be the candidate of the convention.

Although the convention concluded to take up a new candidate, Mr. Van Buren was by no means forgotten. "No one who was present on that occasion is likely ever to forget the torrent of enthusiasm by which every individual was hurried away, on the first mention of his name after the completion of the nomination, when the whole body rose, amidst the waving of handkerchiefs, and cheers whose uproar seemed destined never to subside."* Among the resolutions, too, was one declaring "that this convention hold in the highest estimation and regard their illustrious fellow-citizen, Martin Van Buren, of New York ; that we cherish the most grateful and abiding sense of the ability, integrity and firmness, with which he discharged the duties of the high office of President of the United

* Democratic Review, July, 1844.

States ; and especially of the inflexible fidelity with which he maintained the true doctrines of the constitution and the measures of the democratic party, during his trying and nobly arduous administration ; that in the memorable struggle of 1840 he fell a martyr to the great principles of which he was the worthy representative, and we revere him as such ; and that we hereby tender to him, in his honorable retirement, the assurance of the deeply seated confidence, affection and respect of the American Democracy."

The friends of Mr. Van Buren in the state of New York were undeniably much chagrined at the result in the Baltimore Convention. Not so with him. Possessing a rare equanimity, that mere political disappointments could never disturb, he cordially acquiesced in the decision of the convention. He not only supported the nominations himself, but through his influence many who had freely expressed their dissatisfaction, were ultimately induced to sustain the democratic candidates. Having contributed by his vote to the election of Mr. Polk, he was friendly to his administration ; and the former signified his regard for his distinguished predecessor by tendering to him the mission to England—the settlement of the Oregon question being particularly in view—but he declined to accept it. In regard to the war with Mexico, Mr. Van Buren regarded it as the direct consequence of the annexation of Texas, but after hostilities had once commenced, he favored its vigorous prosecution.

Meanwhile the democratic party in the state of New York, which Mr. Van Buren had left strong and united, had separated into two factions, known as conservatives or hunkers, and radicals or barnburners. Originally they had divided upon questions of state policy which were disposed of by the amended constitution of 1846, though among the conservatives there were many who had opposed the independent treasury or only supported it as a party measure. Mr. Van Buren's sympathies and prepossessions were probably with the radicals, or barnburners, from the first, but he kept entirely aloof from state politics, and was not positively identified with either till the summer of 1848. A new issue was then presented, upon which the two factions took sides. By the treaty of Guadalupe, which terminated the war with Mexico, a large tract of territory was added to the United States. In view of this acquisition efforts had been made in Congress, at every session since that at which the existence of the war was declared, in 1845-6, to procure the absolute prohibition of domestic slavery in the territory thus acquired. The barnburners of New York generally favored this movement, and Mr. Van Buren, as he had approved of the resolutions of the New York Legislature in 1820, involving the same principle, also approved it. They have subsequently taken ground to a considerable extent in favor of the abolition of slavery in the District of Columbia. The sentiments of Mr. Van Buren in regard to this extreme

position have never been made known. In all his public action he has steadily adhered to the doctrine of non-interference entertained by most northern democratic politicians; and if he has departed from it, the reason may possibly be found in the position assumed at the time of the conclusion of the Tyler treaty and afterward, that the annexation was necessary for the security of the slave interest, thus making that institution the object of national protection, instead of considering it as being strictly the subject of state regulation.

The hunker and barnburner factions each styled themselves the democratic party of the state, and each selected a full set of delegates to represent them in the National Convention held at Baltimore, in May, 1848. The convention refused to decide between them, but resolved to admit both delegations. The barnburners then withdrew in a body, and returned home. On the 22d of June following a convention of that faction was held at Utica, over which the veteran Samuel Young presided, to hear the report of their delegates. This body decided that they were not bound by the decisions or nominations of the Baltimore Convention, and insisted that their delegates were excluded by reason of their course in regard to the prohibition of slavery in the territory acquired from Mexico. Similar sentiments were expressed in a letter addressed by Mr. Van Buren to the delegation from the city of New York, and he was nominated by acclamation,

against his declared wishes, as an independent democratic candidate.

Both the two great parties at the north were dissatisfied with their candidates. General Cass, the nominee of the democratic party, held to the doctrine of non-interference; and General Taylor, the whig candidate, was perfectly non-committal. Under these circumstances many of the prominent friends of the slavery prohibition in the northern states procured the assembling of a convention at Buffalo, on the 9th of August, which was numerously attended by delegates representing all the free states. This body was composed of whigs, democrats, and abolitionists, and they termed themselves, with reference to the subject which had led to their political union, "free-soilers." At this convention Mr. Van Buren was again nominated for the presidency, and Charles F. Adams, of Massachusetts, a son of the late John Quincy Adams, was nominated for vice-president.

Mr. Van Buren neither declined the nomination of the free-soilers, nor did he signify his acceptance, and thus approve of all the resolutions adopted by them in convention. In a political point of view the barnburner friends of Mr. Van Buren committed a great mistake in going into convention at Buffalo. If the object was to build up a northern party, it was both reprehensible and impossible; and on the other hand, if the movement was designed to be but temporary, and the barnburners looked forward to a reunion with

the hunkers, it was certainly ill-advised, as subsequent events have shown. The true position of Mr. Van Buren's friends was, to support him as an independent democratic candidate, for the radical faction was no doubt much the larger and more powerful of the two, in the spring and summer of 1848; but in the city of New York, and the river counties, thousands of radicals were driven to the support of the Baltimore nominations, because of their hatred of a coalition with the whigs and abolitionists. Mr. Van Buren received but few votes, comparatively, from any other party or faction except the barnburners. In the state of New York he more than divided the old democratic vote with General Cass, his majority over the Baltimore nominee being about six thousand. About two hundred and ninety thousand votes were cast for Mr. Van Buren and Mr. Adams in the Union at large—mostly in New York, Ohio, and Massachusetts—but they did not receive a single electoral vote.

The election in its progress never disquieted Mr. Van Buren, and its result occasioned neither disappointment nor chagrin. He appears throughout to have been the passive instrument in the hands of his old and devoted friends, whose wishes he could not disregard, and probably felt himself compelled by the force of circumstances to acquiesce in the course they saw fit to adopt.

Since the presidential election in 1848, Mr. Van Buren has continued as before, in dignified retirement

at Lindenwald ; occasionally venturing forth to visit his sons in New York or Albany, or the attached friends whose esteem has ripened into devotion ; but enjoying far more the rural pursuits and occupations that enliven the happy quiet of his peaceful and beautiful home. Here, reclining upon the abundant harvest of honors which he has gathered, and surrounded by ease and contentment, by books, by the relatives and friends whose society he prizes, by everything that wealth or taste can summon to minister to his felicity, his days glide smoothly and majestically on, like the full-orbed sun to his setting.

In person, Mr. Van Buren is about the medium height. His form is erect, and until he had passed middle life was slender ; but it is now inclined to corpulency. His hair was originally of a light sandy color, but the frosts of advancing age have settled upon it. Yet, while his locks are whitened, the fire of his expressive eye remains undimmed. His features are full of animation ; the kindly smile, that has so often charmed admiring juries and listening senates, still lingers upon his countenance, and his broad expansive forehead is still the home of high thought and intelligence.

His character and his life are simple. Temperate and industrious in his habits, he enjoys excellent bodily health. When at home, his time is pleasantly varied between reading and writing, overseeing the labor on his farm or in his garden, and visiting his

nearest neighbors. He is fond of riding, too, and unless report belies him, an ardent admirer of the gentle craft which Izaak Walton loved so well. In all the social relations his duty has been, if that were possible, even more than fulfilled. His private life is without spot. As son, as husband, as father, and as friend, his character furnishes a good example. Kindness and benevolence are traits which he has often exhibited. The constancy of his attachments, and his fidelity to his friends, have become proverbial.

His manners are attractive, calm, polished and gentlemanlike. There is a winning charm about them which it is difficult to resist. His equanimity and his regard for decorum, also, are qualities which in others have been rarely excelled.

Like his manners, his oratory is graceful and persuasive. His voice has a deep and melodious cadence that falls charmingly upon the ear. Never at a loss for words or ideas, his elocution is easy and rapid. He is not passionless, but having entire command of his passions, he is a complete master of the art of persuasion. He never attempts any rhetorical flights, to fall back below mediocrity, but his eloquence is even and sustained. In conversation he is particularly interesting, and his voice and features vary with his themes—"from grave to gay, from lively to serene."

As a writer, his style is not always pure or correct, but it is bold and vigorous; sometimes diffuse, but generally compact. In his reported speeches the sen-

tences often appear involved, or to have been loosely constructed, but his messages and state papers will compare favorably with those of the distinguished men who have occupied the same high position.

A mind and judgment express and well balanced, great prescience, quickness of perception, firmness, caution, discretion, happy powers of combination and reflection, are his prominent intellectual traits. He possesses sensibility, but he is not imaginative; on the contrary, a sort of practical spirit seems to pervade all the operations of his mind.

His character as a politician has been the theme alike of praise and obloquy, of censure and approbation. He has had warm and zealous friends, and many and bitter enemies; and each, in turn, have extolled and traduced him. While the one have claimed for him all the higher attributes of the statesman, the other have been disposed only to concede that he was well skilled in

"The wily shifts of state,—those juggler's tricks—
Which we call deep designs and politics."

Like Lord John Russell he has evinced remarkable tact in leading and managing a party; but something more than this he has also shown. None can deny that he has borne himself bravely in "the battle of life." His public career is highly honorable to him. Few politicians have committed fewer mistakes. Starting from a humble position, with but humble

pretensions, he raised himself step by step to the highest grade of official preferment. Surely, the arts of the demagogue could not so long have sustained him. To the high qualities of his mind, he has added a careful observation of men and things. He has studied character as diligently as Talleyrand. He has read and pondered over that book of the statesman—the human heart. Though without the genius or the splendid declamation of Pitt, he has manifested the same practical skill and sagacity. But, more than all, he has possessed that “*mens æqua in arduis*,” which is so essential to the success of the political aspirant.

ENOS T. THROOP.

WHILE the whigs of the Revolution were evincing, perhaps, even more than a commendable zeal, in affixing the stigma of Toryism to those who adhered to the royal cause, and in confiscating their fortunes, the loyalists in the provinces that remained firm in their attachment to the crown were not backward in exhibiting the same spirit toward their whig neighbors. Opportunities for the manifestation of their bitter hatred of the rebels were not numerous; but when an occasion presented, they were pretty sure to bring up the score by adding what was necessary in the way of interest.

Among those who suffered in this manner, were the grand-parents of the subject of this memoir. Originally inhabitants of Lebanon, in the then colony of Connecticut, they removed to Nova Scotia, when their son, George Bliss Throop, the father of the governor, was but a mere lad. Their new home was designed to be their permanent place of abode, but they had scarcely settled themselves in it, when the tocsin of war sounding through the land disturbed their sweet dreams of peace and tranquillity, and the bale-fires of the Revo-



ENOS T THROOP.

Eighth Governor of New York.

Lith. F. Michelin 111 Nassau St.



lution, gleaming on their native hills, signalled them back to the scenes and the friends they had left. Being whigs they were driven out of the country by the tories, and only escaped from their pursuers by concealing themselves and their children in the woods. After suffering much from fear and fatigue, and undergoing many hardships and privations, they at length reached the United States in safety.

Their son George, who was born in Lebanon, received a collegiate education; and after the termination of hostilities, in 1783, being then about twenty-three years of age, he married Abiah Thompson, the daughter and youngest child of Enos Thompson. She was a native of Dutchess county, in the state of New York, where she was married. Her father was one of three brothers who removed from New Haven at an early period, and settled the tract of wild land near the east line of Dutchess county, called from the patent "The Nine Partners." Smith Thompson, late one of the Justices of the Supreme Court of the United States, on the father's side, and the late Jacob Sutherland of the old Supreme Court of New York, on the mother's side, were the descendants of one of the other brothers. Mrs. Throop had two brothers, Israel and Jesse Thompson, both of whom repeatedly represented their respective counties (Dutchess and Rensselaer) in the legislature, and both held the office of county judge.

Immediately after his marriage, Mr. Throop re-

moved to Johnstown in the county of Montgomery, where he purchased, at the sale of the confiscated estates of the Johnson family, the village lot now in part occupied by Judge Cady of the Supreme Court, upon which he erected a dwelling-house. Although he had received a liberal education he had not studied a profession, and his first employment after his removal to Johnstown was in the service of Judge Duane, at Duanesburgh, whom he assisted in preparing and arranging the contracts, deeds and leases, given to the tenants on his large estate. On returning to Johnstown he opened a school, which occupation he continued to pursue, together with conveyancing, in which he was very skilful, for several years. He soon grew into favor with the people of the town and vicinity, and having acquired their confidence by his character and aptitude for business, he received several small offices, from the profits of which he was enabled further to add to his means of livelihood.

In the midst of his usefulness he met with a serious accident that completely destroyed his health, and after a long and painful sickness from which the skill of the most eminent physicians in the city of Albany could not restore him, he finally died in the year 1794, leaving to his wife and children no other inheritance but the dwelling and lot on which they resided, all his other means having been exhausted during his protracted illness.

He was the father of four children, two sons and two daughters, all of whom survived him. ENOS THOMPSON THROOP, the subject of this memoir, was the oldest child ; he was born at Johnstown on the 21st day of August, 1784, and was named after his maternal grandfather. His brother, George B. Throop, like himself, studied law, and was one of the earliest settlers of the county of Cayuga ; he held several offices of prominence and trust ; was clerk of the county, a member of the state senate for four years, postmaster at Auburn, clerk of the court of chancery for the seventh district, and cashier of the Cayuga County Bank ; and he is now a resident of the city of Detroit. The eldest sister of Governor Throop, Mehitabel, married Thaddeus Martin of Johnstown ; she was early left a widow, and her children, particularly her sons Henry H. and Enos T. Throop Martin, both lawyers of respectable standing in this state, found in their uncle a friend and benefactor who supplied the place of the parent they had lost. The younger sister, Mary Ann, was twice married ; first to David Akin, a son of the then proprietor of Johnson Hall, the old baronial residence of Sir William Johnson and his son, who afterward removed to Throopsville, in the county of Cayuga, where he died ; her second husband was Samuel Lacey, then of Monroe county, but now living at Homer in the state of Michigan.

The mother of Mr. Throop, also, was married a second time, to George W. Hatch, of Johnstown. By

this marriage she had two sons and two daughters. The eldest son, who was named after his father, is one of the partners in the well-known firm of Rawdon, Wright and Hatch, bank-note engravers ; the younger, Israel T. Hatch, is a prominent citizen of Buffalo. One of the sisters married Zebulon Reeves, of Palmyra. The other became the wife of Gershom Powers, who represented the Cayuga district in the 21st Congress ; after his death she married William B. Rochester, long a distinguished politician in the state of New York, and the Bucktail candidate for Governor in 1826, in opposition to De Witt Clinton ; Judge Rochester was one of the unfortunate passengers on board the ill-fated steamer Pulaski, and was drowned in attempting to escape from the conflagration that destroyed her ; his widow has since married a Mr. Fitch, a merchant at Buffalo.

After the death of her second husband, the mother of the governor remained a widow for twenty years, and died of apoplexy, in 1846, in the eighty-fourth year of her age. She was a woman of estimable character, of strong good sense and of vigorous mind ; and she was warmly loved and venerated by her numerous descendants.

By her marriage with Mr. Hatch, the pecuniary circumstances of Mrs. Throop and her family were not materially improved ; but a good home, and the protecting care of a husband and father, were thereby secured. Her son Enos seems to have been early im-

pressed with the importance of "getting on" in the world. Though possessing but few advantages, this very circumstance, which often discourages, rather than inspires, both sharpened his zeal and stimulated his ambition. He inherited from his father industry and perseverance, and from his mother sterling sense and determined energy,—qualities that often serve their possessor better than genius or talent. The same thoughtful and studious habits, the caution and prudence, that characterized his manhood, distinguished him in youth. Being fond of reading and study, quick of apprehension, attentive and ambitious, he profited considerably by the instructions of his father; and after the death of the latter, he attended the schools in his native village.

It was the wish and intention of his father to fit him for a profession, and it afterward became the darling ambition of his mother's heart. She had not the means, however, of giving him a suitable education; but, in the midst of her regrets at her inability to accomplish an object so dear, she was kindly favored by her own good fortune. Among her intimate friends was the daughter of Silas Talbot, a naval officer in the Revolutionary war, and the purchaser of Johnson Hall at the sale of the property under the act of confiscation; but who removed to the city of New York, after several years' residence at Johnstown, to superintend the construction of the frigate Constitution, to the command of which he had been appointed. Miss Tal-

bot had married George Metcalfe, a practicing lawyer at Johnstown, of considerable distinction, who continued to reside there after the removal of her father to New York. Mr. Metcalfe was an Englishman by birth, but he had studied law in the United States. He was a man of fine attainments, having received an excellent classical education in his own country, and during the controversy with reference to the federal constitution, he engaged with much spirit in the discussion of the question, as an advocate of the adoption. By this means he became widely known, and, under the administration of Governor Jay, was appointed by his federal friends in the council, to the office of district attorney for the counties of Montgomery, Albany, Saratoga and Schoharie. This appointment enabled him to gratify a desire he had long cherished, to establish himself where his talents and acquirements would be more highly appreciated, and where he could command more patronage; and in September, 1798, he removed to the city of Albany. Through his wife he learned the wishes of Mrs. Hatch in regard to her son Enos, and that they were warmly seconded by the lad himself. About the time of his removal from Johnstown, therefore, he proposed to take him into his family, in order that he might commence the study of the law.

This proposition was gladly accepted by both mother and son. The latter accompanied the family of Mr. Metcalfe to Albany, as one of its members, and on the

17th of October, 1798, commenced his clerkship as a student at law. As no time was allowed him for classical studies pursued after he was fourteen years of age, his term of study, under the old rules of the Supreme Court, was seven years. He soon became familiar with the routine of business in the office of his friend and benefactor, and repaid his generosity and kindness, by industry and punctuality, and by fidelity and devotion to his interests. He relieved his patron from the most laborious part of his duties, and often accompanied him on his circuit to render such assistance as he might require. Not unfrequently, also, when Mr. Metcalfe was unable to attend court in foreign counties, on account of sickness or the pressure of his other engagements, his papers were intrusted to his young pupil and friend, with instructions to attend the grand jury, to issue processes and prepare indictments for trial, and with a letter to some counsellor of his acquaintance requesting him to attend to the necessary business in open court. The knowledge and experience thus acquired by young Throop in regard to criminal prosecutions, served him in great stead, as we shall see, at a subsequent period of his life.

Mr. Metcalfe was not merely a well-read lawyer; he possessed more than ordinary ability, was a thorough scholar, and had a fine and correct literary taste. His pupil sympathized with him in his fondness for study, and a familiarity and intimacy, quite unusual considering the disparity of years, sprung up between

them. Shortly after young Throop commenced his clerkship, Mr. Metcalfe proposed to instruct him in the classics. The offer was eagerly embraced ; he began the study of the Latin language, and had the benefit of his patron's advice and instruction while he remained in his office and family.

The period of Mr. Throop's residence in Albany, while a student at law, was marked by high political excitement. It was that of the memorable struggle between federalism and republicanism, which resulted in the overthrow of the former in the state and nation.* The sessions of the legislature, and of the state courts, were then held at Albany, and, consequently, it was the resort of all the distinguished lawyers and politicians in the state. The position of Mr. Throop with an eminent lawyer, who held an important office, afforded him rare opportunities for improvement. His patron was an ardent and active politician, and associating with him, as he did, on terms of the most

* Just at the close of the election in 1801, Mr. Throop had occasion to visit Kinderhook on business, and he here met, for the first time, with Mr. Van Buren. The latter, also, was sustaining himself while a student by his own exertions, but he was Mr. Throop's senior by two years, and already distinguished in the politics of the county where he resided. The result of the election was not then known, and they spent a busy day together at the places of public resort in the town. They never met again till they recognized each other at the bar of the Supreme Court, when their youthful acquaintance was renewed, and afterward ripened into a friendship that has ever since remained uninterrupted.

confidential friendship, his own attention was early awakened to the doctrines, the discipline and movements, of political parties; and the interest thus enkindled long exerted a powerful influence upon his life.

This was, also, the golden age of the New York bar, or, rather, it had just fairly dawned in the courts adorned by the learning and genius of the revolutionary era. Mr. Throop both saw and heard the intellectual giants of that day, and listened, oftentimes with more of wonder and delight, than with a due appreciation of their reasoning, to those brilliant displays of forensic eloquence by Hamilton and Burr, by Gouverneur Morris and Brockholst Livingston, which were preserved only in the memories of their hearers, but have been handed down, among the most honored traditions, to those who came after them.

In 1800, the republicans regained the ascendancy in the state, and as Mr. Metcalfe was soon after removed from office, Mr. Throop determined not to tax his kindness or generosity further; but, in the spring of 1801 he returned to his native town, and passed the following year in the office of Daniel Cady, then commencing his long and prosperous career, and now, with the laurels of his professional contests, the rich harvest of half a century, clustering thick around his brows, ornamenting the Supreme Court of the state by his high character and talents.

After leaving the office of Mr. Cady, several months

were spent by Mr. Throop in studying the classics, under the supervision of the Rev. Mr. Urquhart, a graduate of the Edinburgh University, and then principal of the Academy at Johnstown. During this time he supported himself by writing and performing other services in the office of the county clerk of Montgomery. He had now established a high character as an attorney's clerk, and wherever he was known, his services were deemed worthy of an ample remuneration. A flattering offer was soon made him, by Matthias B. Hildreth, of Johnstown, who stood, beside Mr. Cady, his political and professional rival, at the head of the Montgomery county bar, and who afterward held the office of attorney-general of the state, at two several times, and died while occupying that honorable position.

The remaining time of Mr. Throop's clerkship was passed in the office and family of Mr. Hildreth, who, in addition to his board, made him a sufficient allowance for his other expenses. Mr. Hildreth was not what might be called a profound lawyer; he was not a hard student, like Mr. Cady,—but he was a fluent speaker, ingenious and insinuating in argument, an accurate practitioner, and a cautious and safe counsellor. He was, also, of amiable disposition and winning manners, and thoroughly versed in the knowledge of human nature. He lived with generous hospitality, and under his roof Mr. Throop formed the acquaintance of many of the most distinguished republicans

in the state, among whom was Ambrose Spencer, at that time one of the leaders of the party.

Mr. Throop's clerkship expired in the fall of 1805, in time to take his examination at the November term of the Supreme Court; but Mr. Hildreth made him so liberal an offer to continue in his office for a few months, that he consented to defer his application till the ensuing January term, in 1806, when he was duly admitted as an attorney in the Supreme Court. A short time previous to his admission he visited the county of Cayuga, in pursuance of the recommendation and advice of the father of Mr. Hildreth, who, with Edward Savage and James Burt, had been appointed commissioners to fix a site for the county seat of that county. He formed few acquaintances during his visit, but determined to locate in the county; and the court of common pleas being then in session, he presented his certificates, and was admitted as an attorney of that court. He then returned to Johnstown, and went to Albany to take his examination for admission in the Supreme Court.

With the loan of two hundred dollars made to him on his own note by his kind friend and legal preceptor, Mr. Hildreth, and with no fortune except the profession which he had obtained mainly through his individual exertions, he again started for Cayuga county, and arrived there on the first day of March, 1806. The county seat was still an unsettled question, although the commissioners had decided on Auburn,

and the elder Mr. Hildreth had advised him to establish himself there. But a powerful opposition was offered to the selection of Auburn, in the south part of the county, particularly in Aurora; and it was impossible for a stranger, as was Mr. Throop, to determine what would be the final decision in the matter. On his return, therefore, with a view of placing himself in a situation to act as circumstances might require, he accepted an invitation from Dr. Barnabas Smith, who lived at Poplar Ridge, now Smith's Corners, to board with his family and use his office. He remained there till the fall ensuing, when, having formed his opinion in regard to the result of the courthouse controversy, he removed to Auburn, which finally became the county seat, and permanently located himself there.

He received several offers of partnership, but accepted none till the winter of 1807, when he connected himself in business with Joseph L. Richardson, who was afterward, for many years, the first judge of the county. This connection continued till the winter of 1811, when it was dissolved in consequence of the appointment of Mr. Throop to the office of county clerk of the county.

Mr. Throop brought to the bar, not merely native talent far above mediocrity, but other qualities equally useful and important. He had formed habits of methodical study, of industry and application; he was cautious and discreet, careful in the formation of his

opinions, but generally correct. In the preparation of causes for trial or argument, he was thorough, and in addressing a court or jury, clear and concise. As a speaker he was earnest and sincere rather than fluent, and interesting rather than eloquent. Had he remained at the bar, and devoted his whole time and energies to his profession, there can be no doubt that he would have taken and maintained a high station among the ablest lawyers in the state. His success, however, was fully equal to his expectations, and he had no cause to repine on account of the paucity of clients, nor to complain that his merits were not appreciated as they deserved, or his services properly rewarded.

Having taken up his residence in Auburn, he entered with spirit into the court-house controversy; and the following incident is still related by the older members of the Cayuga bar as illustrative of his participation in it, and of the warmth with which it was waged:—In order to strengthen the position at Auburn, he and his friends procured the passage of a law directing a fire-proof clerk's office to be built at that place. But a majority of the board of supervisors of the county were opposed to the fixation of the county seat which had been made, and they refused to raise the money required to build the office. A law was then enacted imposing a penalty of two hundred and fifty dollars upon a public officer who refused to vote for raising any money which he was directed by law to raise. The board of supervisors again met, and again refused;

whereupon, Mr. Throop and his partner were employed to institute *qui tam* suits for the penalty, against six of the supervisors. The causes were brought on for trial at the circuit in 1809, before Judge William W. Van Ness. With all his many estimable qualities, the Judge could not forget that he was a politician, even when seated on the bench. These were embargo times—party spirit ran high—the county was strongly republican—an important state election was approaching—the six supervisors were supposed to represent the majority of the county—and Mr. Throop was as decided a republican as the Judge was a federalist. Arrayed on the side of the defendants, in opposition to Mr. Throop and his partner, were twelve counsel, all more or less eminent, among whom were Elisha Williams, Daniel Cady, Nathaniel W. Howell, and Walter Wood. When the first cause was called, a number of technical objections in regard to mere matters of form in the declaration, were raised by the defendant's counsel, but overruled by the presiding judge. At last they fixed upon a formal objection on which their great reliance was placed, and though Mr. Throop was permitted to argue the question at length, it was decided against him. In giving his decision, the Judge stated, that if the count had been in a particular form, which he specified, it would have been sufficient. Mr. Throop had anticipated the decision, and as his declaration was quite voluminous, he had already fixed upon a count which corresponded

exactly with what the Judge had said. He promptly called the attention of the court to it; the Judge looked at it for a moment, threw down the paper angrily, and directed him to go on with the cause. Mr. Williams instantly sprung to his feet, declaring that he could not find such a count. "It is there, sir!" was the curt reply of the Judge, and the cause went on. A legal question was afterward raised, upon which the plaintiffs were nonsuited: but the nonsuit was set aside at the next term of the Supreme Court, by the unanimous opinion of the judges, and in the end Mr. Throop was completely successful.

There can be no doubt that the early predilections of Mr. Throop were in favor of the federal party, to which his patron and benefactor, Mr. Metcalfe, belonged; but as he approached his majority, he was led, by that careful conscientiousness which ever characterized him, to consider well his position, and he then embraced those republican notions and principles to which, as his friends claim, he has ever faithfully adhered. He had no active participation in politics till he was admitted to the practice of his profession; but after his removal to the county of Cayuga, he soon acquired a high and wide-spread reputation as a political leader. He approved the embargo and non-intercourse policy of Jefferson and Madison, and, in 1808, advocated the election of the latter to the presidency. In 1807, he took an efficient part in the elevation of Daniel D. Tompkins to the gubernatorial

chair; he was particularly instrumental at that time in preventing the return of the federal members who had long represented the county in the state legislature, and in securing a majority of between five and six hundred for the republican state ticket, when the federalists had claimed the county by at least one thousand majority.

In 1810, he supported Governor Tompkins when a candidate for reelection, and in the following winter he was appointed to the office of county clerk of Cayuga. He hesitated considerably upon consenting to become a candidate before the council, although the leading republicans in the county were unanimous in his favor; but he ultimately decided to accept the office, for several reasons. His health was very poor; politics had already interfered a great deal with his professional business; the practice of the law was not displeasing to him, but there were circumstances connected with it very painful to his feelings; and he had at this time concluded to purchase the mill property at Throopsville, near Auburn, which he did, in 1811, in company with his brother-in-law, Mr. Akin. Shortly after the purchase, the name of Throopsville was given to the place, in compliment to him, at a public meeting of the inhabitants.

Mr. Throop now occupied a prominent position, not only in the county where he resided, but also in the republican party of New York. The acquaintance he had formed at Johnstown and Albany, with the

distinguished men of the state, was highly beneficial to him. He was a strict party man, active, energetic, and almost always successful in his political efforts; and the republican leaders at the capital had great confidence, which was not misplaced, in his ability and influence. To his friend, Judge Spencer, he was indebted for many favors, which he did not forget even when the political accidents of future years separated them most widely from each other. Taking different positions at a subsequent period, upon highly important questions, both as to men and measures, their intimacy naturally ceased, but their mutual respect never.

Like most of the republicans in the interior, Mr. Throop was favorably disposed toward the Clintons. He was, however, sincerely attached to Governor Tompkins, and happening to be at Albany during the winter session of 1812, he entered warmly into the contest with reference to the incorporation of the Bank of America. He approved of the governor's course upon this question, and supported and defended him on all occasions. While at Albany he was invited to attend the meeting of Mr. Clinton's friends called for the purpose of consulting upon the propriety of bringing him forward for the presidency. At this time De Witt Clinton and Ambrose Spencer were the acknowledged leaders of the party in the state, and between the two men, Mr. Throop was partial to the latter. He was determined, also, irrespective of his

friendship for Judge Spencer, to do nothing that was calculated to prevent the reëlection of Mr. Madison; and when it was openly avowed, at the meeting of Mr. Clinton's friends, that the movement was in opposition to Madison, and that they relied for success mainly upon the federal party, he expressed his unqualified dissent from the proceedings, and declared it to be his firm belief that they were acting without the concurrence of Mr. Clinton. He soon discovered his mistake; Mr. Clinton treated him with coldness, and their intercourse ceased.

The success of the federalists at the previous election having given them the council of appointment in 1813, Mr. Throop was among the first removals from office, and Elijah Miller, a prominent federalist in the county of Cayuga, was appointed in his place. Two years afterward, in 1815, the republicans again secured the council, and Mr. Throop was promptly restored to the office from which he had been removed.

In the month of July, 1814, he was married to Evelina Vredenburgh, the youngest daughter of Colonel William J. Vredenburgh, of Skaneateles. Her father was of Dutch descent, and a large landholder on the military tract. He was one of the founders and earliest settlers of the beautiful town where he passed the latter part of his life. Another of his daughters married James Porter, for a long time the Register of the court of chancery, and a leading politician in the republican ranks. Mrs. Throop died in

the city of New York, in 1834, lamented not only by the husband who mourned her loss, but by all who remembered the many beautiful traits in her character. She was the mother of three children, not one of whom lived beyond the period of infancy.

At the congressional election in the year 1814, Mr. Throop was elected to the 14th Congress, as a friend of the war measures of the national administration, from the double district consisting of the counties of Cayuga, Seneca, Tioga and Broome, in the place of Daniel Avery, the federal member who had represented the district in the two previous Congresses. His colleague was Oliver C. Comstock, of Seneca. They were both elected by large majorities.

Mr. Throop took his seat in Congress on the 4th of December, 1815, and by his talents and industry, and his high character for integrity and independence, very soon acquired a more than respectable standing at Washington. His associates and compeers were the great men of the nation—among them Clay, Calhoun, Webster, Forsyth, Pinkney, and Lowndes—but his position beside them was one highly honorable to him.

The session of 1815-16 was not unusually long, but highly exciting. The war had now ended, but the public and private credit which had been almost destroyed, were to be restored. Mr. Throop took part in the debates on most of the important topics discussed. He voted for the incorporation of the

national bank, with Clay, Calhoun, and other leading friends of the administration, as the only means that appeared to him to be feasible, to relieve the country from the multiplied embarrassments occasioned by the suspension of specie payments by the state banks and the depreciation of the currency.

He also opposed the bill introduced by Mr. Forsyth, making provision for carrying the commercial treaty with Great Britain into effect, and in the course of the debate on this question, submitted the following remarks :

“ I shall vote against the bill, because I think it unnecessary to pass such a law. The act in question does nothing more than put into the form of a law the several provisions of the treaty regulating the commerce between the two countries, which are of themselves the supreme law of the land. These provisions do not require a construction nor any aid by law to carry them into execution. If the object was merely to instruct the revenue officers, I would prefer its being done by the President or the Secretary of the Treasury, whose duty I conceive it to be, and whose competency cannot be doubted. I do not know that the passage of this law, following the provisions of the treaty, will do any great mischief, but I am opposed to the principles on which it is attempted to be supported, and fear that it will at some future period form a dangerous precedent.

“ The treaty-making power is lodged by the constitution in the President and Senate, and their act becomes obligatory on the nation, without the interference of this House, by that section of the constitution which declares that ‘ this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.’ An argument has been attempted to be drawn from the fact that the constitution, laws and treaties, are

classed together in the same sentence, and are all declared to be the law of the land.

“I do not know that I understand what the conclusion is; but if it is as I apprehend it to be—that, being all classed together, and in one sentence declared to be the supreme law, that then a treaty is of no greater force than a law; I conceive that the same argument will prove that the constitution is not paramount to a law, and if that construction prevails, Congress may by law repeal the constitution. But, grant that the treaty has no greater efficacy than a law, and can repeal and be repealed by a law, then the act under consideration is unnecessary, as the treaty being subsequent to the law creating discriminating duties, repeals that law; and when a new tariff of duties is created, it may be made to conform to the treaty. But, it is said, the treaty is a compact; hence it is no law to be observed by the people, but only a direction to Congress to pass a law. Because it is a compact, it is superior to the law. An individual may prescribe to himself a rule of conduct by which he will be governed, but he may depart from that rule whenever he pleases; it is a law to himself, and the power which enacts may repeal. But if he stipulates with another a rule of conduct to be observed by himself, it is a compact, and he cannot depart from it without a violation of his plighted faith, and the rights of that other. This is the distinction between a treaty and a law; and which renders a treaty paramount to the law. The law prescribes a rule of conduct to the citizens of the state by which they are to be governed, and may be repealed at any time; but a treaty is a compact between two sovereign states, which cannot be departed from by one without violating the faith of that state, and the rights of the other.

“An answer to the argument that the treaty is only a direction to Congress to pass a law, is to be found in the concluding part of the same section of the constitution, which, after stating that treaties, &c., shall be the supreme law of the land, adds, ‘and the judges in each state shall be bound thereby.’ Here is a direction, not to Congress, but to the courts of law, to construe and enforce the treaty, which they are bound to do without reference to any construction which might be put upon it by an act of this body. I trust I shall not be told that this

direction is to the judges of the state courts, and not to the judiciary of the United States, and that a treaty might be enforced in the state courts, but would require a law to enforce it in the courts of the United States. For, according to that construction, it might produce this absurdity; that the treaty would operate upon the states individually, and Congress might refuse to pass a law, whereby it could not be treated as a law by the United States courts. I cannot sanction the idea that this House has any control over the treaty-making power, to ratify or annul their acts, unless it is in cases where the treaty cannot execute itself, but requires for that purpose provision to be made by law, such as raising money, &c.

"Some gentlemen seem alarmed, lest the President and Senate, by an assumption of power, shall at length claim the right of making war, which they can do by stipulating for war in a treaty. Should the right of declaring war exist in one branch of the legislature independent of the others, I cannot see but that it may as safely be lodged with the President and Senate, as with this House. The right here claimed of supervising the treaty, will lead to that result. War has ceased; we are at peace with Great Britain, by treaty; but if this House in the plenitude of their wisdom, does not think proper to ratify the treaty, the war is renewed, and we must resume our arms,—which will effectually vest this branch of the legislature with the power of making war. I do not believe that it entered into the views of the framers of the constitution, to vest this House with the power of rejecting or ratifying a treaty: if it did, they would not have left a power, so important, to be gathered from inference. They would have made express provision for it. It would have been easy for them, and they would have declared that the power of making treaties should be vested in the President of the United States and Congress."

In the remarks of Mr. Throop the principal questions involved in Mr. Forsyth's bill are succinctly stated. The majority of the republican members in the House contended that, inasmuch as the convention or treaty

stipulated for the equalization of tonnage and duties, so as to place British vessels on the same footing with American vessels, and as the original law required the sanction of both branches of the legislature, it was not competent for one of them, acting in conjunction with the executive, to nullify it *pro hac vice*, by means of a treaty, any more than it would be proper for them to repeal it absolutely. On the other hand, Mr. Throop insisted, as did Mr. Calhoun and Mr. Pinkney, that no legislative provisions were necessary, because the convention contemplated only the suspension of alien disabilities, in return for a similar suspension by Great Britain in favor of American citizens; that this subject was one peculiarly within the province of the treaty-making power; and that the treaty, being the supreme law of the land, by its own inherent force and authority, suspended the operation of the law imposing the disabilities. Mr. Forsyth's bill ultimately passed the House; the Senate disagreed; but a law was finally enacted establishing the principle contended for by the republican majority. Mr. Madison, no doubt, concurred in opinion with the minority, because he issued his proclamation declaring the removal of the disabilities simultaneously with the publication of the commercial treaty as ratified.

During the war the capital, of necessity withdrawn from commercial pursuits, was invested in manufactures; but when peace was declared, the establishments thus called, as it were, into being, by the foreign

policy of the government, were threatened with ruin if exposed to competition with the products of foreign manufacturers. The indebtedness of the country required a large revenue, and the only practicable mode of raising it seemed to be by means of a tariff law. Influenced by this consideration, and for the reason, as well, that he favored the protection and encouragement of the domestic interests of the country, Mr. Throop voted for the act of 1816, and opposed the attempt to establish, as a principle of the bill and of the tariff policy of the country, an ad valorem duty of twenty per cent. on cotton and woollen goods. While upon this subject, however, it may be well to add, that he heartily approved of the reduction of the duties made by the compromise act, and afterward, by the law of 1846.

Mr. Throop also supported the Canadian Volunteer bill, and the act known as "the Compensation act." By the latter law, the *per diem* allowance of members of Congress was changed to an annual salary of fifteen hundred dollars. The motives of those who originated this law were eminently praiseworthy, and its principle as fair and just as any that could be devised. The average compensation of members was increased by it only about thirty-eight per cent. above the rates established nearly thirty years previous, and this was certainly not out of proportion with the increase in the cost of the necessities of life.* But the law was un-

* The average amount of pay, including mileage, to each member

popular with the people, and nearly all those representatives who voted in its favor and were candidates for reëlection, failed of being returned. Such was the fortune of Mr. Throop. He was borne down by the popular clamor originating with those who were ignorant of the real character of the law, but most of whom were, without doubt, sincere and honest in their opposition to what they called high salaries. Being again a candidate in 1816, at the election in April of that year, previous to his return home, and before he had time to set himself right with the electors of the district by exposing the misrepresentations and misconceptions which had deluded them, he was defeated by an overwhelming vote.

During the same session of Congress, the question of a successor to Mr. Madison was also agitated. Mr. Monroe and Mr. Crawford were the two prominent candidates, and the contest for the nomination was ultimately confined to them. Efforts had been made, however, to bring forward other candidates, particularly in the state of New York. De Witt Clinton, from his too close connection with the federalists in 1812, was no longer the favorite of the republican party in the state, and its leadership had been mainly assumed by Judge Spencer. The latter was originally in favor of General Armstrong, the secretary of war,

annually, for eight years previous, was about thirteen hundred dollars, and the Compensation act raised it to eighteen hundred. The per diem allowance, it will be remembered, was then only six dollars.

and corresponded with a number of his political friends upon the propriety of electing him to the Senate, with a view, eventually, of making him president. Among them was Mr. Throop, who, notwithstanding his long and sincere friendship for his correspondent, positively declined to engage in any such effort. This refusal led to a coolness between them, and when in the winter of 1816, he declined to follow the Judge in his reunion with Mr. Clinton, their intimacy ceased.

The unfortunate capture of Washington compelled Mr. Armstrong to retire to private life, and Judge Spencer then supported the pretensions of Mr. Crawford. His real preferences were undoubtedly fixed in that direction at an early day, but he had become jealous of the growing popularity of Governor Tompkins, who was now generally talked of as a candidate for the vice-presidency; and through his instrumentality the republicans in the New York legislature were induced to nominate the governor, at a caucus held in February, 1816, for the presidential office. This movement could only have been devised, for the purpose of engaging Governor Tompkins in a premature and ill-advised contest with older men in the republican party of the nation, and thus destroying his popularity. But the effort, as we have seen,* entirely failed of success. General Porter, Mr. Van Buren, Mr. Throop, and other leading republicans, who were sincerely attached to Governor Tompkins, foresaw what would be the result

* Ante p. 196, et seq.

if his name were pressed ; and when they found that if the nomination could be effected in the Congressional caucus, the friends of Mr. Monroe would, as they threatened to do in any event if their favorite was not selected, present him as a candidate irrespective of the decision of the caucus,—or that, if defeated in the caucus, his prospects for the future would be seriously, perhaps fatally injured,—they then confined their efforts to securing his nomination to the vice-presidency, in which they were successful.

Mr. Throop was a warm friend, both politically and personally, to Governor Tompkins, from the time of his first election as governor, in 1807, to the close of his career ; and the assertion of Mr. Hammond, that the governor thought unkindly of him, as one of the republican members of Congress, for too readily consenting to give him up,* is unjust to the memory of the one, and to the character of the other for fidelity and integrity in his political relations. Mr. Throop was, from the beginning, in favor of the nomination of Mr. Monroe, because, in his judgment, the public opinion of the republican party had indicated him as the successor of Mr. Madison ; and his long experience in national affairs, and his patriotic services during the Revolution and the late war, gave him strong claims upon the regard and confidence of the people. He would have supported Tompkins, if his nomination had been possible, but that being out of the question, he

* Political History, vol. i. p. 411.

was free to choose between the other candidates. His preferences were never disguised; and at a meeting of the New York republican delegation in Congress, held shortly before the caucus, he expressed them openly and without reserve. The influence of Judge Spencer was felt at this meeting, and an effort was made to commit the members present to the support of Mr. Crawford, under the captivating plea that the state of New York ought to give an united vote upon the question. Mr. Hammond attended the meeting as one of the republican members, and he declares that it was broken up "without any expression of opinion as between Monroe and Crawford," mainly "by means of the influence of General Porter, John W. Taylor, and Enos T. Throop."*

It may readily be inferred, from this language, although the writer might not have designed to make such a charge, that undue means were taken by Mr. Throop and others to prevent an expression of opinion at the meeting. This was not so. Mr. Throop had no concealments on the question, and freely expressed his sentiments. It was notorious that the confidential friends of Mr. Monroe had declared that he was before the people and should not be withdrawn; and that Mr. Crawford was made a candidate, against his will and the wishes of his Georgia friends, principally by New York politicians. Mr. Throop belonged to the old Jeffersonian school; the republican party was a national

*. Political History, vol. i. p. 409.

one ; and as Mr. Tompkins could not be nominated, he opposed taking any steps that would give the matter a state character, as it was contemplated to do by pledging the members to cast a united vote for Crawford, and desired that each should be left at liberty to act as he thought proper. But five or six of the members from New York concurred with Mr. Throop in preferring Mr. Monroe, yet the majority appeared to be favorably impressed with the objections urged against expressing any opinion, as a delegation, and the meeting adjourned, as stated by Mr. Hammond ; no other means having been taken to produce that result, than the frank avowal of their opinions by General Porter, Mr. Taylor, and Mr. Throop. New York was not pitted against Virginia on the presidential question, and the creation or fostering of state prejudices was avoided, through the prudent caution of Mr. Throop and his friends.

On his return from Washington, Mr. Throop found that the people of his district had pronounced their disapprobation of his course in voting for the compensation act. Conscious, though he was, of the purity of his motives, and well assured that his constituents were mistaken, both as to them, and as to the true character of the law, there seemed but one course left for him to pursue, and that was to resign his seat. This was promptly done, and a special election was ordered to be held in the district. Another candidate was selected to fill the vacancy, and an active and

spirited canvass ensued. The "low-salary" party, as they termed themselves, and who consisted of federalists and Clintonians, also had their candidate, and succeeded in electing him, but by a largely reduced majority. The efforts of Mr. Throop and his friends were principally confined to the county of Cayuga, and they had the satisfaction of reversing the vote at the previous regular election, and giving a majority of six hundred to the republican candidate. In the other counties in the district the nominee of the "low salary" party received a majority more than sufficient to neutralize the vote of Cayuga. This sudden outbreak of popular feeling, therefore, did not, in the end, weaken the influence or popularity of Mr. Throop in the county where he resided, but it served to elevate him in the estimation of those who could not but admire the independence of character which he had displayed.

The Clintonians and Bucktails, though existing for a long time previous as separate factions of the republican party, did not finally divide till the winter of 1819. Mr. Throop, however, was opposed to the nomination of De Witt Clinton as the republican candidate for governor in 1817, though he did not make any effort to defeat his election; and as "the low-salary men" in Cayuga county had become ardent Clintonians, the lines between them, and Mr. Throop and his friends, were distinctly drawn very soon after Mr. Clinton's elevation to the chief magistracy of the state.

In the winter of 1818, Mr. Clinton was seated in authority, with a council of appointment ready, as he supposed, to carry out his wishes. It consisted of Henry Yates and Jabez D. Hammond, Clintonians; and Henry Seymour and Peter R. Livingston, Buck-tails. But Mr. Yates, though he had been a warm and constant friend to Mr. Clinton, was also a firm republican; and he was totally opposed to proscribing any member of the party, because of his personal likes or dislikes as respected Mr. Clinton. The commission for the county of Cayuga expired this year, and as most of the persons in office were the political friends of Mr. Throop, "the low-salary men," or Clintonians, held a county convention, and adopted a new civil list, which they forwarded to Governor Clinton. This list was laid before the council by the governor, and he recommended the appointment of the persons therein named, confidently expecting that Mr. Yates and Mr. Hammond would promptly support him. Meanwhile the former had been advised by Mr. Throop, who happened to be an old friend and acquaintance, of the true state of the case, and he saw that if he sustained the governor, it could only be by proscribing members of the party in good standing. Determined not to be a party to such a proceeding, when the governor presented the new list to the council, and Mr. Hammond stood prepared to vote for its adoption, to their surprise he immediately rose in his place, and nominated a person to the office of sheriff,

from a list furnished him by Mr. Throop. Mr. Seymour and Mr. Livingston voted with him, and the nomination was carried. He then went through with the whole list, without stopping; the governor and his friend, Mr. Hammond, were in a powerless minority, and they had no further control of the council for the remainder of the year.

The following year Mr. Clinton had a council completely subservient to his views, and it was intimated to Mr. Throop that unless he ceased his opposition to Mr. Clinton, he would be removed from the office of county clerk, while his friends should be retained, and his influence would thus be weakened. The intimation was disregarded, and his removal soon followed. In 1820 the Bucktails secured the council, and it was then proposed to Mr. Throop that he should be restored to the clerkship, but he declined accepting the office again, and it was then conferred on his brother.

After his removal, Mr. Throop confined himself for several years to the management of his private business, though still maintaining his position at the head of the republican party in his county. He supported Governor Tompkins in 1820, and approved of the reelection of Mr. Monroe. He was one of the early friends of the proposition to call a convention to revise the constitution; and the various reforms and amendments in the fundamental law of the state which were thus effected, met with his hearty concurrence.

The constitution of 1821 made provision for divid-

ing the state into eight circuits, for each of which a circuit judge was to be appointed. A judicial office had long been the object of Mr. Throop's ambition, but it was unnecessary for him to make his wishes known. As soon as the new constitution was adopted, and the legislature had divided the state into circuits, public opinion seemed at once to settle upon him as a proper person to receive the appointment for judge of the seventh circuit, which embraced the county of Cayuga. Governor Yates had known him from his boyhood, and was his personal friend; he did not require, therefore, to be very warmly urged in his behalf; and in the month of April, 1823, Mr. Throop was nominated and appointed to the office of circuit judge.

In this new position he fully realized the expectations of his friends. He was prompt in the dispatch of business, courteous yet dignified in his manners, careful in deliberation and impartial in his decisions. Punctual and correct as a lawyer, he was prudent and conscientious as a judge; and the integrity that guided his conduct at the bar kept the ermine free from spot or stain. His experience in the office of Mr. Metcalfe proved of great service to him in this new position. His familiarity with the forms and proceedings in criminal trials, and with the principles of criminal law, astonished his old associates, and the leading counsel in the circuit frequently expressed their surprise.

In the month of September, 1826, William Morgan, a member of the masonic fraternity, was forcibly abducted from Canandaigua, and taken to Fort Niagara, where he was confined for several days, and then suddenly disappeared. The parties concerned in this outrage were also masons, and their object was to prevent the publication of a book divulging the secrets of the order, then being prepared by Morgan. The fate of this individual is still shrouded in mystery, though there is little reason to doubt that he was murdered, perhaps by drowning him in Lake Ontario, without the jurisdiction of the state of New York, and by masons from Canada; his original abductors either directly or indirectly assenting to the act. But few persons were concerned in the abduction and subsequent disposition of Morgan, and nothing has ever been discovered or disclosed tending to show that it was done with the consent or approbation of any recognized power or authority in the society.

The excitement that followed the disappearance of Morgan was unparalleled, particularly in western New York; and it ultimately extended to other states. As fact after fact was divulged, in the history of the abduction, the feelings of indignation which had been aroused gathered additional intensity. The story was repeated, not always without the embellishment of fancy, at the fireside and in the pulpit, in the public journal and at the hustings. Rumor with her thousand tongues invented a thousand tales of horror.

The oaths and obligations of masonry were made public, and when it was seen what powerful instruments of oppression and injustice these might be in the hands of designing men, the institution was declared to be a dangerous one. The masons at first attempted to withstand the tempest of popular fury, and scouted the idea that the many should be punished for the guilt of the few. But the current was far too powerful to be resisted. The members of the order seceded by scores; one lodge after another surrendered its charter; and finally, the order dwindled away till it barely maintained an existence.

This movement originated with the people, though demagogues may have availed themselves of it, as is always the case with such excitements, to secure political power. The masonic order had been a popular one; and a very large proportion of the leading men in the state, of both political parties, were members of the institution. This being the case, most of the prominent offices were held by them. Its influence, too, was felt, to a greater or less extent, in all the relations of life,—in the administration of justice, in politics, in business, and in religion. All these circumstances tended to heighten the feelings which had been enkindled, and the opponents of masonry, who called themselves anti-masons, daily added to their numbers. Opposition to the masonic institution was with them a cardinal virtue and principle; they carried it into the churches, and eventually to the polls.

At first the antimasons were not a political party. But they desired to procure the repeal of the act of incorporation granted to the Grand Chapter of the state by the legislature, and the passage of a law prohibiting the administration of extra judicial oaths; and they soon found that it was impossible for them to accomplish these ends without taking part in the elections. In the early stages of the excitement they had contented themselves with opposing the election of a mason to any civil office, but this sort of negative action was attended with only a moderate measure of success. Their great object—the complete overthrow and prohibition of the masonic institution—could not be effected without combination and unity of effort. When this truth became evident, disregarding their old political associations and antecedents, they formed a new party, known as the Antimasonic party, and made their appearance as such, for the first time, in the year 1828. This party, as organized in western New York, was composed in great part of Clintonians, with a large detachment from the Bucktail ranks.

In January, 1827, several persons concerned in the Morgan outrage were arraigned before Judge Throop, at the Ontario Oyer and Terminer, on an indictment charging them with conspiring to kidnap Morgan. The defendants, with one exception, plead guilty, and the other was tried and convicted. In sentencing them, the Judge denounced the conspiracy and outrage in severe and eloquent terms. "Your conduct," he said,

"has created, in the people of this section of the country, a strong feeling of virtuous indignation. The court rejoices to witness it,—to be made certain that a citizen's person cannot be invaded by lawless violence, without its being felt by every individual in the community. It is a blessed spirit, and we do hope that it will not subside; that it will be accompanied by a ceaseless vigilance and untiring activity, until every actor in this profligate conspiracy is hunted from his hiding-place, and brought before the tribunals of his country, to receive the punishment merited by his crime." Judge Throop was not a mason, neither was he an antimason, but these remarks, appropriate as they were to the occasion, were entirely satisfactory to the best friends of the institution, and at the same time secured him the respect and esteem of its opponents. They showed that he occupied an impartial position; being satisfied that a great crime had been committed, he was disposed to punish the perpetrators, but not to attack an institution because there were bad men among its members; while he was not bigotted on the one hand, he was not proscriptive on the other. This moderate and neutral position did not satisfy the antimasons, as we shall see, when they became a political party, and, consequently, they were afterward politically hostile to him.

While he occupied the station of a judge, Mr. Throop avoided any active interference in politics, though all the while known and recognized as a mem-

ber of the Bucktail or democratic party. In 1827, with nearly all his old political friends, he took ground in favor of the election of General Jackson to the presidency. It was not his intention, nor his wish, ever again to enter the arena of party strife. He had long cherished a desire to engage in agricultural pursuits, and when he found that his judicial duties were not incompatible with a country life, he gladly consummated it, under circumstances that placed him above want. In 1826, he changed his residence from Auburn to his beautiful farm of Willow Brook, on Owasco Lake, which, though now an inhabitant of another state, he still regards as his home. Here, in peace and quiet, he hoped to spend the remainder of his days; but his expectations were not destined to be fulfilled.

In the summer of 1828 he was solicited by Mr. Van Buren and other political friends, to become a candidate for lieutenant-governor on the same ticket with that gentleman. The proposition made to him was, in effect, that he should become governor, for there appeared little doubt of the success of the Jackson, or democratic party, in the state and nation; and it was confidently expected that Mr. Van Buren would be invited to take a place in the cabinet. Fully recognizing his obligations to the party of which he was a member, and not indifferent to the high honor thus tendered him, he reconsidered his determination to withdraw from political life, and consented, though with reluctance, to become a candidate for the nomination.

At the Herkimer Convention, in September, 1828, Mr. Van Buren and Mr. Throop were accordingly put in nomination, for the offices of governor and lieutenant-governor, and the latter immediately thereafter resigned the judgeship, in order to render himself eligible. The election resulted in the success of the democratic ticket. Mr. Throop's majority over Francis Granger, the national republican or Adams candidate, in the county of Cayuga, was nearly two thousand, and in the state at large upwards of twenty-eight thousand. The antimasonic candidate, John Crary, received nearly thirty-four thousand votes.

On the first of January, 1829, Mr. Throop took the oath of office, as lieutenant-governor, but he had only just become familiar with the routine of his duties as presiding officer of the Senate, when Mr. Van Buren resigned the office of governor on receiving the appointment of secretary of state. Mr. Throop now became the acting governor; and he took leave of the Senate on the 12th of March, properly availing himself of the occasion to deliver an address setting forth the general principles upon which he should administer the executive duties devolving upon him. His position was a peculiar one. For several years he had been entirely withdrawn from political life; new men had appeared on the stage since the adoption of the constitution of 1821; and it was natural that he should be viewed something in the light of an intruder by those who had been accustomed to look to others as

the dispensers of official patronage. By the death of Mr. Clinton, this party was disbanded; and as the republicans had lost considerable strength by means of the antimasonic excitement, it was evident that they could not sustain themselves without accessions from the Clintonian party. Governor Throop seems to have had this consideration in view in his address, and attempted to rally the old *esprit du corps* of the republican party by reviving its differences with their ancient opponents, the federalists of 1798 and 1812. He also alluded to the excitement on the subject of masonry, and intimated that, in his opinion, unless there were some great and important objects to be secured by the institution, it should be dissolved, because it could not continue to exist except as a source of "useless irritation."

In regard to the appointing power, also, Mr. Throop's position was one of great delicacy. Most of the offices in the state were filled by the friends of Mr. Clinton, who, with him, had been in favor of General Jackson. But the Bucktails constituted the principal strength of the democratic party, and it was impossible to deny them a fair participation in the results of the victory which they had aided in achieving. Governor Throop, however, managed with great tact and address, and in a manner well calculated to strengthen the party of which he had now become the nominal head.

When Governor Throop entered upon the discharge

of the gubernatorial duties, the legislature had made considerable progress upon the Safety-fund law, and he had the satisfaction of signing and approving it. One other question, of much importance in its bearings upon his political fortunes, and those of the democratic party, was discussed at the regular session of the legislature, in 1829.

Before the completion of the Erie and Champlain Canals, various sectional interests sprung up, having in view the construction of lateral works of the same character. The most important of these were known, in the subsequent legislation of the state, as the Black River, Genesee Valley and Chenango Canals. The last was the pioneer project, and the inhabitants residing on the route along which it was proposed to be constructed were warmly enlisted in its favor. For several years their favorite measure was pressed upon the legislature, but without success. A majority of the canal board, including Samuel Young, William L. Marcy and Azariah C. Flagg, who had for some time been its most active and influential members, were opposed to the construction of the Chenango Canal, because they thought that the public debt ought to be first extinguished, and a surplus revenue accumulated sufficient to discharge all the liabilities that it might be necessary to incur. In the winter of 1829, Mr. Marcy was transferred to the bench of the Supreme Court, but his place as comptroller was filled by Silas Wright, who entertained similar views.

At the session of 1829, the Chenango Canal project was again discussed with much earnestness, and a bill was introduced authorizing the construction of the work. It was obvious, from the tone and character of the debates, that there were two sets of opinions prevailing among the republican members; one party concurring with the majority of the canal board, and the other believing that if a work promised to benefit any considerable portion of the state, it ought to be constructed, even if it became necessary to use the public credit. The friends of the Chenango Canal insisted that it would be a source of revenue to the state; but this was denied by its opponents, who affirmed that it would never repay the cost of its construction. Extreme opinions, adverse to the construction of the canal, in any event, were held by some of the opponents of the measure, but most of them expressed themselves willing to have the work constructed, at once, if the public debt would not be increased, and if that were impossible, then that it should be postponed till the state had sufficient surplus funds to be expended on works of internal improvement. These last were probably the sentiments of Mr. Van Buren and Mr. Throop, though neither the former, in his annual message, nor the latter, in his address to the Senate, committed himself upon the question. At a subsequent day, Governor Throop expressed his views at length; and they may properly be inserted here, though not in strict chronological

order. In his annual message in 1831, he referred at length to the then exhausted condition of the general fund, the subject of internal improvements and the financial policy of the state, in the following language:

"No government can be administered without money, and the means of defraying its expenses must in some shape be furnished by those for whose benefit it is administered. It therefore becomes necessary to consider from what sources our exhausted treasury can be replenished. This involves an inquiry into the means placed at the disposal of the legislature for that purpose. These means are taxation, or loans on the credit of the government. If money is borrowed, the interest must be paid, and eventually the capital. If in addition to the current annual disbursements, the money to pay the interest on previous loans must also be borrowed, it is obvious that with compound interest there will be a rapid accumulation of debt, and the public creditor will ultimately require some further security for his loans, than the credit of the state. Such measures would result in impaired public credit; taxation could not long be delayed; and it is to be feared, that when it becomes necessary to levy upon the people the amount of the current expenses, together with the interest accruing upon debts incurred for the expenses of preceding years, swelled by compound interest, the taxation will be found burdensome and may become perpetual.

"There is no mystery in financial operations, save what ingenious men have found necessary to throw around them, to conceal their own measures from the public knowledge. What would be said of a farmer who should thus manage his private concerns, and trust to borrowing on the credit of his farm, for the annual expenses of his living, instead of deriving support from it by his earnings?

"I should be wanting in duty, if I should forbear to pursue this interesting subject still further, for I deem it of vital importance. We are still a young nation, and have experienced nothing but increasing

prosperity; and having now arrived at a point where our treasury must be permanently supplied, or a hazardous experiment upon our own credit made, it is our own fault if we do not choose that alternative which we know to be safe, and to which common prudence directly points.

"As we have but little to appeal to, in our own experience, we should not shut our eyes to the light reflected by the history of other nations. An able English historian, in noticing a temporary debt, created in the reign of Henry the Sixth, makes the following remarks: 'The first instance of a debt contracted upon parliamentary security, occurs in this reign. The commencement of this practice deserves to be noted; a practice the more likely to become pernicious, the more a nation advances in opulence and credit. The ruinous effects of it are now become too apparent, and threaten the very existence of the nation.'

"Shortly before the commencement of the last century, when William the Third came to the throne, and found it necessary, in order to defend his continental possessions, and to restrain the ambition of France, to have more money than could be raised by the ordinary means of revenue, a resort was first had to temporary loans, pledging the annual income to repay them. As this necessity for money continued from year to year, the debt was left unpaid, and the revenues were appropriated to pay the interest of it; and it then occurred to his ingenious financiers that a national debt was a national blessing. Thus, within eight years after he ascended the throne, a public debt had accumulated, equal in amount to one hundred millions of dollars. To pay the interest of that debt, and to defray the current expenses of the government, independently of indirect taxation by means of customs, direct taxes were imposed upon the people in every possible shape. They were imposed upon their persons, upon the value of their real and personal property, upon their income, upon their stock in trade, upon births and burials, upon beer, cider, perry, and all the productions of industry, commercial, manufacturing and agricultural. These taxes have been continued, and additional ones imposed upon every new object, created by the trade or industry of the nation, as it

was developed, until the British empire, with a population of twenty-two millions of persons, is burthened with a debt amounting to about three thousand five hundred millions of dollars.

"It is an extraordinary fact, and shows the evils which a mal-administration may bring upon a community, that the period of time which enlarged the constitutional privileges of the English people, gave birth to legislative measures which drew a new line of distinction between the people, and divided them into public creditors and laborers. All the wealth of the nation has been grasped by the comparatively few holders of government stock, and the privilege to support them, by the earnings of their labor, is nearly all that has been left to the many.

"When we look at our means of raising revenue, it will be perceived that a state debt is a mortgage upon the persons, the property and the industry of our citizens, and the public creditor will soon call for a contribution from those sources. With our present laws, which secure to every man the enjoyment of the profits of his industry, talents and ingenuity, we can look without concern or envy upon the greatest amount of wealth which any individual has accumulated by industry and economy. He has a right to enjoy it, and it will be soon distributed by his successors. But there is great danger in creating a mass of wealth, in the hands of individuals, which suffers no diminution, but accumulates from generation to generation, sustained by the industry of the country and guaranteed by the laws. We have in vain abolished entails, if a more durable species of property is created, levying contributions, not by rents, but by means of taxes.

"It is a plausible doctrine, which has been urged with some success, that it is no matter how much money is expended by government, provided it is employed upon suitable enterprises for improving our internal condition; because the money remains among the people, and gives them employment. This is indeed true, when the money is disbursed from a full treasury. But when the money expended is borrowed of individuals, on state security, and interest is to be paid for its use, to be collected by taxation, upon the annual products of the labor of

the people, the money remains among us; the aggregate wealth of the country may be increased, but it is unequally divided; an undue proportion goes into the hands of the few who monopolize the stock, while the remainder of the people are impoverished by the operation.

"I have entered into much detail upon this important subject, from a deep conviction that it is too intimately connected with the public welfare to be lightly passed over, and that the time has now arrived, when it becomes a duty of the people to understand and reflect upon this matter. I have been placed at the head of the government at a period when it must determine upon the policy to be pursued, in a new and untried state of things. Hitherto the state has been rich in lands and public funds, and, aided by taxes which have ceased, it has been able to meet the payment of temporary loans, the revolutionary claims, and the annual expenses of administering the government. This public property is now nearly exhausted, not by the ordinary expenses, but by contributions to public works, and as the basis of special funds.

"Internal improvements, by means of canals and railroads, have become fixed objects of legislative care, and are among the most interesting subjects which will claim your attention. Their influence in diversifying the pursuits of labor, and equalizing the value of its products, in adding to individual and aggregate wealth, stimulating enterprise, and binding society together in ties of amity and interest, is not only acknowledged in theory, but has been practically demonstrated by our experience. These considerations will induce you to examine with industry and lively solicitude, into the means within your control for their further prosecution. Our country is peculiarly well adapted to the construction of canals and railroads, and affords in all directions, from its soil, its forests and its mines, those ponderous protections, which owe most of their value in market to the cheapness of transportation. Each of these modes of communication has its peculiar merit, and is yet susceptible of much improvement. It remains to be seen what elevations of surface may be overcome by stationary power, as part of the line of a canal,—an improvement deserving more atten-

tion from those conversant with such subjects, than it seems to have received. * * * *

“While canals, peculiarly adapted to the transportation of bulky articles, may be made in suitable situations, railroads, on account of their fitness for rapid transmission, too perate at seasons when canals are useless, and perhaps to overcome elevations insurmountable by them, will, no doubt, in future times, be extensively distributed throughout the state. There are few obstacles in any part of the state, which may not be overcome by one or the other of these improvements. An enlightened popular government cannot fail to discover the advantages of such works, and is well fitted to prosecute them judiciously. As the people contribute the means for their construction, they will not fail to discover the proper period for commencing them, and the extent to which they should be carried. The successful experiment which has already been made, while it has shed glory upon the state, affords a stimulus for the prosecution of similar enterprises; and it is not surprising, that some parts of the state, supposed to be peculiarly adapted by nature to receive these helps from art, should exhibit an impatience for their immediate commencement. But any disposition that may be manifested to enter prematurely upon the prosecution of these works, will be restrained by the cooler judgment of those parts of the state, which are called upon to contribute to the expense, but which participate indirectly only in their advantages.

“In determiniug upon the expediency of beginning any new work, it will be proper to consider its public benefits, its probable returns of revenue, and the means of the state. If the state possesses funds for the object, without imposing any burdens upon the people, it will be sufficient to look at its bearings upon the public prosperity, without reference to revenue. If the state should not be in that condition, then it is necessary, preliminarily, to ascertain, with considerable exactness, that it will contribute, in tolls, sufficient to pay for necessary repairs, and attendance, the interest of the debt to be created on its account, and, within a reasonable time, the principal. If it will not do this, then your duty requires you to determine whether the poople will consent to be taxed to make up the deficiency of its revenue, and if so,

to impose such tax, cotemporaneously with the act authorizing its construction. Acting under a due sense of the importance of these precautionary considerations, I do not doubt that your measures will satisfy the reasonable desire of the public to continue the march of internal improvement.

"The Erie Canal passes through the centre, uniting the tide-waters of the Hudson with Lake Erie, and affords the means of an easy interchange of commodities between the different parts of the state, and an opening to our great commercial city, for the trade of the Canadas and the states bordering upon the upper lakes. By means of smaller works, completed and in progress, we have connected its advantages with the navigation of the Ontario, Champlain, Onondaga, Cayuga, Seneca, and Crooked lakes, and the western branch of the Susquehannah river. Having thus, since the year 1817, opened communications between all our cities, and nearly all our interior navigable waters, we cannot take to ourselves the reproach that the march of internal improvement has been slow, or harbor the thought that its further progress is to be arrested.

"The Erie and Champlain canals were projected with great wisdom, and at their commencement an appropriation was made for them from the general fund, which has been sufficient, at all times, to pay the interest of the monies borrowed. The credit of the state was thereby so firmly established, that for all the later loans, to more than half the whole amount, capitalists were induced to pay a premium upon five per-cent. stock. Those canals have drawn from the funds of the state, to the amount only of the duties upon salt, and sales at auction; and their successful operation promises, that they will speedily pay their debt, provided the constitutional protection of their fund is duly respected. When that period arrives, the revenues from salt and auction duties, and tolls of the Erie and Champlain canals, will be under the exclusive control of the legislature. How far it will then be deemed public justice or good policy to reduce the amount of the tolls, or to continue them for the purpose of extending our works of internal improvement, will depend entirely upon the future representatives of the people."

The friends of the Chenango Canal would be content with nothing but the immediate construction of the work, and on the 24th of March, 1829, an act was finally passed authorizing the canal commissioners to proceed with the work, provided, however, that an adequate supply of water could be obtained without taking it from the streams that supplied the Erie Canal; that the cost should not exceed one million of dollars; and that the canal should produce to the state, within the first ten years after its construction, an amount of tolls equal to the interest on its costs, over and above the repairs and expenses. Coupled with these conditions, the bill harmonized with the views of Governor Throop, and he cheerfully affixed his signature to the bill.

These conditions were based upon the representations of the friends of the Canal bill, but they were not entirely satisfactory to them; and when the canal commissioners reported, in January, 1830, that the work would require an outlay of more than one million of dollars, and that it would not produce an amount of tolls, in connection with the increased tolls on the Erie canal, equal to the interest of its cost, and the expense of repairs and superintendence, or of either of them, they no longer relied upon their representations, but insisted that the work was a great public benefit, and protested against the imposition of any conditions that should defeat its speedy construction.

Governor Throop had been solicited, when his name

was first proposed as a candidate for lieutenant-governor, by his political friends in Broome and Chenango, for an expression favorable to the canal project in which they were so deeply interested. He refused to comply with their request, and for that reason ran behind Mr. Van Buren more than thirteen hundred votes in those two counties. When he became acting governor, and during his second term, he was repeatedly urged to forego his opposition to the proposed canal, but he firmly resisted all importunities, sometimes under circumstances that severely tested his fidelity to his principles. At every session of the legislature, while he held the reins of government, the subject was pressed upon the consideration of members with a pertinacity and zeal that appeared to deserve success. In 1832, a bill at length passed the Senate, but it was lost in the Assembly. This, of course, was the last effort made during his administration.

The first annual message of the acting governor was delivered to the legislature at the annual session commencing in January, 1830. It was an able paper, lucid in its arrangements, clear in its statements, and creditable to the writer as a statesman and as a man of business. His recommendations were highly valuable and important. They were principally confined to matters of internal police, and among them was one urging upon the legislature, in language that indicated the sincerity of his philanthropy and the warmth of his benevolence, the importance of making suitable provi-

sion for the comfort of the insane poor, whose condition at that time, as he well remarked, was calculated to excite feelings of horror. Other matters of legislation, however, seem to have diverted the attention of members from this subject, but he pressed it again and again in his annual messages, and it is owing chiefly to his urgent recommendations, that the Lunatic Asylum, which ranks so high among the noble charities of our state, was finally established.

He also recommended a revision of the criminal code of the state, the many defects in which his experience on the bench had enabled him to discover. With a view to the prevention of crime, he advised that the fostering care and patronage of the state should continue to be extended, if possible, with greater liberality to the common schools and other seminaries of learning. In all his subsequent messages this idea occupied a prominent place, thus showing how near the cause of education, and the consequent improvement in the character and habits of the rising generation, was to his heart.

His review of the financial condition of the state was clear and concise. It appeared, from the message, that the general fund had diminished since 1826, from about two million six hundred thousand dollars, to a little over one million three hundred thousand dollars. This fund was originally accumulated during the administration of George Clinton, from the sale of the public lands, and it was relied upon, to a greater or less

extent, to furnish the means to defray the ordinary expenses of government without resorting to a direct tax. It had been the policy of all the prominent men in the bucktail and republican party to keep this fund intact, and when the war of 1812 occasioned extraordinary charges upon the fund, a tax of two mills upon every dollar of the valuation of the taxable property of the state, was imposed by a law passed in 1814. As the auction and salt duties were set apart and pledged for the payment of the canal debt, this tax was continued after the construction of the Erie and Champlain canals was commenced, but it was reduced in 1818 to one mill. In 1824 a further reduction was made of half a mill, and in 1827 the tax was entirely removed, against the remonstrances, however, of Comptroller Marcy, and other leading members of the canal board. Governor Throop recommended, therefore, that a direct tax should be imposed for the restoration and preservation of the capital of the general fund, or, in default of that, that some other means to that end should be devised.

He recommended no additional improvements by roads or canals; but in connection with the subject of the extension of the public works, he referred to the contemplated distribution of the surplus revenue among the states, which General Jackson had recommended, and against which he thought there was no valid objection, unless it might be of a constitutional character, that could be removed by amend-

ment ; and from this source, in his opinion, a considerable augmentation of the funds of the state, applicable to objects of internal improvement, might be reasonably anticipated.

It had long been a matter of reproach to the legislation of New York, that it was influenced by out of door interests, by selfish and designing men, who hovered like cormorants about the capitol, bargaining for grants and charters, and monopolies and special favors of every kind and character. Governor Throop had nothing in his nature that sympathized with intriguers. He had a great, almost an instinctive dread of the old lobby corps ; he touched them pretty sharply at the close of his first message, and it would seem that he never lost sight of them, while he remained in office, except as they kept out of his way.

Antimasonry became an important element in the politics of New York. Notwithstanding the efforts made by the antimasons and by the authorities of the state, to penetrate the mystery, the actual murderers of William Morgan were never discovered. The laws of the state, previously in force, had provided no adequate punishment for the offence of kidnapping a white person, and consequently those who were concerned in the abduction, and convicted of the conspiracy charged against them, were but slightly punished. This did not satisfy the antimasons. The excitement was intense, and it required something on which to spend its energies. Almost all the lodges

in the state surrendered their charters, but the anti-masons were not yet content. They desired to blot out the name of masonry from under heaven, and to avenge the murdered Morgan. At first they indignantly disclaimed the idea of seeking to secure political power, but as they could only effect the complete overthrow of the masonic institution, as they thought, by means of legislation, they were ultimately forced, from a sort of necessity, to enter the arena of party strife. Every year witnessed them growing stronger and stronger. The national republicans, as the political friends of Mr. Adams and Mr. Clay were called, kept aloof from them for several years, but they were finally swallowed up, and the new organization, formed by the union of their forces in 1832, became the whig party of the state.

The Chenango Canal interest early took the field, to prevent the nomination of Mr. Throop for the office of governor in 1830. Their favorite was Erastus Root, who long occupied a prominent place in the politics of the state. The Herkimer convention assembled on the 8th of September, and Mr. Throop received ninety-three votes on the first ballot to thirty given for Mr. Root. The delegates from the Chenango Canal seemed at once inclined to continue their opposition to Mr. Throop after the nomination had been made, but they finally assented to the customary resolution declaring it unanimous. Edward P. Liv-

ington, of Columbia county, was nominated on the democratic ticket for lieutenant-governor.

Francis Granger, of Ontario county, and Samuel Stevens, of New York, were put in nomination by the antimasons, for governor and lieutenant-governor. They were also supported by the great majority of the national republicans. During the winter previous, a new party, whose members called themselves "workingmen," had been formed. It originated with the master builders in the city of New York, who desired to have a law passed, such as was subsequently enacted, giving them a lien for work and materials performed or furnished in the construction of buildings; but it was eventually composed of free thinkers on political and religious subjects, belonging to all classes and occupations. General Root was nominated for governor, at a convention of the workingmen held in the month of April, but after the Herkimer nominations had been made, he declined being any longer considered a candidate. A small portion of the workingmen, who were probably influenced by the adhering masons in the national republican party, then nominated Ezekiel Williams, of Cayuga county, in the place of General Root.

Mr. Granger was the favorite of the national republicans, and the champion, too, of antimasonry, the Chenango Canal, and other local projects of internal improvement. Consequently he received a strong vote in the sixth senatorial district, and in the western

part of the state, where the coalition between the national republicans and antimasons was nearly complete at this election. During the summer Governor Throop had visited the Chenango valley, upon the invitation of his political friends residing in that section, and was again urgently entreated to pledge himself favorably to the proposed canal. It was natural that he should be quite desirous of securing his election, because it would seem to be an endorsement of his course as acting governor, but he again refused, and the consequences of his impracticability on this question, so honorable as it was to his character for consistency and integrity, were witnessed in the result of the election. There were upwards of two hundred and fifty thousand votes cast for governor. In the western part of the state, and in the Chenango valley, the canvass was unusually spirited. In these sections large majorities were given for Mr. Granger, his competitor falling behind his ticket in Broome and Chenango more than fifteen hundred votes. But in the eastern counties, many of the national republicans who were masons, did not vote at all for governor, and a few of them supported the democratic candidate; yet Mr. Hammond is clearly in the wrong, in supposing that the masons in the river counties gave Mr. Throop the election.* That this inference was hastily drawn, a few facts will show. Mr. Throop was elected by a majority of 8,594 over Mr. Granger,

* Political History, vol. ii. p. 336.

while the average democratic majority on the senatorial ticket was only 5,918, and on the congressional ticket 5,575. His majority, doubtless, was increased by the votes of some of the masons in the national republican ranks, but had they supported Mr. Granger the result would not have been different.

Mr. Throop took the constitutional oath of office as governor of the state, on the 1st day of January, 1831, and in his annual message to the legislature, which soon after assembled, he repeated the same sentiments that he had previously advanced, in relation to the general fund, the prosecution of the public works, and the distribution of the surplus revenue. His views on these subjects were expressed at great length, and with decided ability, as the extracts from the message, heretofore given, will abundantly testify. Among his recommendations on this occasion, was the abolition of imprisonment for debt,—an important reform in the civil code, as well as an act of justice, which the legislature, to his and their honor, wisely adopted at this session.

Surrounded by the able counsellors and advisers who filled the state offices, and sustained by majorities in both branches of the legislature, the second term, as it may be called, of Governor Throop passed away, unchecked by any incidents of particular importance. The friends of the lateral canals, and of local projects of expenditure, found that he could not be moved from his position, and special legislation

received no favor at his hands. His message at the commencement of the legislative session, in the winter of 1832, repeated the views of former years in regard to the financial policy of the state. "Whatever," said he, "may be thought of the fitness of borrowing money on the credit of the government, for its defence, or to prosecute great enterprises for the durable benefit of the country, no person can question the injustice of transmitting to those who come after us the burden of a heavy debt. No public debt should be created, but with ample provisions for its liquidation within a reasonable time. It has never yet been determined by the representatives of a free people, what extent of moral obligation rests upon them to provide for the discharge of a debt forwarded on for payment, by their predecessors in power."

The idea advanced in this extract, or one very similar, suggested itself to Mr. Jefferson, who doubted very much the obligation of one generation to pay the debts of its predecessor, especially when they had been unwisely incurred; and the French have a maxim, also, which admonishes the statesman, to "legislate for posterity." But Governor Throop was the first public officer in this country to give the sentiment an official endorsement; and as expressed by him, it was warmly approved by the leading newspapers of the republican party, in Washington and other sections of the union, as well as in the state of New York. It was, indeed, one of the dearest principles of his

political creed, and it influenced him in all his public conduct, and in every expression of his views upon the subject of borrowing money. And in connection with this question, it may be justly said of him, that he never lost sight of the danger to which the state was exposed from the "alliance," as he termed it in the same message, "of private interest with legislation."

When Governor Throop first consented to become a candidate for the office of lieutenant-governor, he determined to retire when it became evident that his further continuance in office would produce discord. Recognizing fully his obligations to his party, he never felt that this could be considered a questionable sacrifice of personal feelings. The wrangling and contention, the jarring and discord of political controversies, did not harmonize at all with his nature. The strife of politicians for the ascendancy seemed to him like the struggling of persons in a crowd; some were rudely pushed aside, others trampled under foot, and the few who were successful did not escape without injury. In such scenes he had no desire to participate, and a life of quiet and retirement was alone congenial to his spirit.

In the winter of 1832, it was evident that the time had arrived for carrying his resolution into effect. The opposition to his nomination in 1830, and the tone of feeling manifested in the political circles of the capital, admonished him that the interests of his party would be best subserved by his giving place to

some other candidate for popular favor. Beside the Chenango Canal interest, he had incurred the hostility of General Root, by refusing to nominate him for the office of bank commissioner in 1829, and as the question of the recharter of the United States Bank, to which he was friendly, was now agitated, it was probable that he would lead off from the party a great number who were dissatisfied merely with the policy of the state government. He was also the object of the dislike of the late Samuel Young, and his friends, John Cramer and Melancton Wheeler, all of whom opposed his nomination in 1830. Colonel Young was an honest politician, and a man of rare integrity; but his views were quite ultra upon almost all questions, and his prejudices were unusually strong. His opinions upon financial questions, and in regard to special legislation, coincided very nearly with those of Governor Throop; but he was rather too fond of having his own way in everything, and being susceptible of flattery, was made the champion and leader of artful men who had selfish and private interests to subserve.

Early in the winter session of 1832, Governor Throop signified his intention not to be a candidate for the reelection, and his determination was announced in the Albany Argus. All the democratic newspapers in the state, with a single exception,—the New York Courier and Enquirer, which had previously attacked him, and soon after went over to the opposition,—

expressed their deep regret at his decision. In some cases, probably, this was feigned, but with a majority it was real; and there must have been very few who appreciated, that did not respect, his motives.

During the summer of 1832 the state was visited by that awful scourge, the Asiatic Cholera. Governor Throop had left Albany with his family, a short time previous to its first appearance, for the purpose of spending a few weeks at Owasco. An extra session of the legislature had been held, at which laws were enacted to prevent the spread of the pestilence, and making a new division of the state into congressional districts, under the census of 1830. When it was announced that the cholera had really made its appearance within the borders of the state, the governor hastened his return to the capital, in order to take such measures as the emergency required. He remained there, in the midst of the disease, giving advice, and extending his aid and assistance, till the danger had passed. In the prison at Sing Sing the disease raged with unwonted violence, but this did not deter him from visiting it, in order to see how the ravages of the pestilence might be stayed.

With the last day of December, 1832, the administration of Governor Throop finally terminated. Its character may be inferred from the facts which have been detailed. Considering that he was obliged to stem the tide of antimasonry at its commencement, and how many difficulties and embarrassments he encountered,

it may with justice be said, that it was alike honorable to him and the state. He discharged all the duties of the office with ability. He left the state and its finances prosperous, and his party firmly in the ascendant.

While filling the office of governor, he was not indifferent to national politics, but supported the administration of General Jackson, in the contest with the United States Bank, and in its measures and policy in other particulars, with all his ability and influence.

Had he consulted his own inclinations, he would now gladly have retired to the repose of private life, but his pecuniary circumstances were not such as to enable him to live upon the honors of the position he had occupied. He accepted, therefore, the appointment of naval officer at the port of New York, conferred upon him by President Jackson, probably at the instance of Mr. Van Buren, in the winter of 1833, to fill the vacancy occasioned by the death of John Ferguson. This office was a highly honorable one, and had been previously held by Colonel Benjamin Walker, a meritorious officer in the war of the Revolution, and by Samuel Osgood, postmaster-general under Washington.

In 1834, Mr. Throop lost his wife, as has been stated, and this circumstance induced him to remain longer in public life than he had before intended. He continued to hold the appointment of naval officer till 1838, when he was appointed by Mr. Van Buren *chargé d'affaires*

to the kingdom of the Two Sicilies. He remained abroad, faithfully and creditably performing the duties of his mission, till the election of General Harrison to the presidency, when he returned home and took a final leave of public cares and anxieties. Amid the peaceful shades of Willow Brook, and in the active pursuits of an agricultural life, he at length found that relaxation and enjoyment which seemed best adapted to secure the happiness and contentment of his declining years.

Having still left a considerable stock of unexpended energy, and being passionately fond of a country life, and of conducting improvements in the wilderness, he has for several years past been actively engaged in improving a large farm which he had purchased, lying four miles below Kalamazoo, upon the banks of the Kalamazoo river in the state of Michigan. When he first commenced his improvements, an almost unbroken forest lay before him, but he has now more than two hundred acres of land under cultivation; his farm, which he calls Spring Brook, from a pretty little stream that intersects it, is well stocked; and in every part bears witness, in its useful as well as its ornamental features, to the taste and industry of its proprietor.

It was not his intention to change his residence from New York, though he had disposed of his property on the Owasco Lake, to his nephew, by improving his farm in Michigan. It has amounted to that however, for the present; yet he still expects, and his many

friends trust that the expectation may be realized, to end his days, where so many happy years have been spent, at his old home of Willow Brook.

Such is the retirement of one of the governors of New York. Starting in life without adventitious aid, self-reliant, enterprising and persevering, he achieved for himself an honorable fortune. Force of character and energy of purpose enabled him to triumph over every obstacle that impeded his pathway to distinction. Integrity without spot or guile, was the polar star that guided his footsteps. He has filled, in every instance with credit, several of the most important offices in the state and under the general government, and now, as he approaches the close of his well-spent life, he presents an example to the young men of New York worthy of imitation and full of encouragement.

Had it not been for the ungenerous and unjust aspersions of Mr. Hammond, it might be unnecessary to refer more particularly to the character and abilities of Governor Throop. It is very probable that the former may have been actuated by the best of motives, in preparing his Political History, but the friends of Governor Throop have good reason to complain of the injustice done him, which has been relieved, but not entirely removed, in the revised edition. Whether this injustice was intentional or otherwise, Mr. Hammond was not the most proper person in the state to write Mr. Throop's history; yet, in setting the latter right before the public, it is not designed to arraign the for-

mer. They entered Congress together in 1815, and at the outset took different sides upon questions of public policy. The one was a warm personal adherent of De Witt Clinton, and the other a political opponent. During the administration of Governor Throop, Mr. Hammond resided in Albany; he was one of the most active members of the opposition party, and in 1830 was their candidate for senator in the third senatorial district. Subsequently, they never came in contact, and all the recollections of Mr. Hammond may naturally have been associated with his early prejudices.

The charge made by Mr. Hammond that Governor Throop was blindly devoted to his party,* is sufficiently refuted by his opposition to the nomination and election of De Witt Clinton, as a candidate for the presidency, in 1812, and by his entire course as governor of the state. So, too, with the assertion that he was not at all popular with the people of the state†—it may be dismissed in a word. The very best evidence of the popularity of Governor Throop is afforded by his election in 1830, in spite of untoward circumstances, and the opposition of leading members of the party, by a larger majority than that given to the other candidates on the democratic ticket.

It seems to have been the chief object of Mr. Hammond to find fault with the style of Governor Throop as a writer. His criticisms, of course, are mere mat-

* Political History, vol. ii. p. 318.

† Ibid. pp. 335, 396, 416, et al.

ters of judgment and taste ; but it may be said of the literary efforts of the governor, that they will compare most favorably with the clumsy and ill-constructed sentences of his reviewer. A still graver charge, however, has been made by Mr. Hammond, which should not be lightly passed over. He repeatedly intimates in his history, that Governor Throop was not the author of his own messages.* This intimation is not only ungenerous, but it is utterly without foundation. "No executive," says one whose statements cannot be questioned, in a letter to the author, "has received less aid in the composition or suggestions of his messages, or in the discharge of the duties and acts of his administration, than Governor Throop. Endowed with a clear and well-balanced mind, with fair attainments as a scholar and writer, a right and reflective, though not in the extreme sense of the word, a vigorous thinker, he gave to every question which demanded his consideration, or called for action on his part, comprehensive and full examination, and was literally the author of his own state papers."

The style of Governor Throop is not always strictly accurate, but it is generally clear, direct, and perspicuous. His messages received high commendation from the most prominent papers of both political parties in the state and nation, and they were characterized by leading English journals as "able documents."

He is not a man of showy parts, nor can he lay

* Political History, vol. ii. pp. 321, 345, 406.

claim to the possession of brilliant genius. His talents are of a practical character. To a well-balanced mind and sound judgment, he unites those somewhat old-fashioned, but sterling qualities, of moderation, prudence, firmness, and independence. The honest integrity of his character, in public and private life, is its chief ornament.

It may be that he has accustomed himself to look too much upon the dark side of human nature, and, adopting the philosophy of Helvetius, is disposed to refer every action to self-interest; but there is a deep well-spring of kindness and benevolence in his heart. His manners appear somewhat harsh, especially on a first acquaintance, and he is not well calculated to win upon a stranger; yet these unprepossessing features in his character are underlayed with generous impulses and emotions.

In person he is tall, slender, erect; his eyes are light; and his hair, once sandy, is now frosted by the touch of time. The expression of his countenance is marked, and indicative of the perseverance, energy, and decision, that have ever characterized him. His habits are simple and temperate; and as he still possesses great activity of person, and enjoys remarkable health, it is not improbable that his life may be prolonged for many years beyond the ordinary allotment of immortality.

WILLIAM L. MARCY.

ALL the governors of the state, prior to the subject of this sketch, were, as we have seen, New Yorkers by birth; but Governor Marcy was not "to the manor born." Descended from a Puritan stock,—a native, too, of New England,—had it not been for the softening down of the asperities, and the removal of the prejudices of olden times, we might well have wondered to see him elevated to the chief magistracy of a people who still revere the memories of Minuit, and Kieft, and Stuyvesant. But those stern old Puritans, those men of iron hearts and iron wills, have left their impress all over this western continent; and there is scarcely a state in the American Confederacy, from the venerable commonwealth who first gave them a shelter and a home—bleak it may have been, and inhospitable, yet still a home—to the young bride of the Pacific, now pouring her golden dowry into our coffers, where their thrift, their activity and enterprise, their regard for religion, and their love of order and law, are not felt at this day, in its civil and social system, and in the character and habits of its citizens. Those wise legislators, like the Jewish leader and lawgiver,



W^M. L. MARCY.

Ninth Governor of New York.

Litho F. Michelin 131 Nassau St



"struck the rock in the wilderness, so that the waters of liberty gushed forth in copious and perennial fountains," which have refreshed and fertilized the soil, till it has yielded a rich harvest of free institutions.

In the year 1729, a company of persons, mostly residents of Medfield and the adjoining towns, in the colony of Massachusetts, who were either themselves destitute of homes, and not able to purchase them in the older towns, or who desired to settle their children in life, petitioned the General Court for a grant of a tract of land in Worcester county, lying between Oxford, Brookfield, Brimfield, and the Province line, then called Dumer, which they designed to form into a new township. Poverty alone, it would seem, induced them to select this tract, since the land was so poor, that the Council for a long time refused to grant their request, from no other motive except that of kindness. But the petitioners, in reply to this objection, declared, that, although there was much poor land there, there was also considerable good land, and, in their humble opinion, a sufficiency to enable them, "by the blessing of God, in concurrence with diligence and industry, to support the ordinary charges of a township."*

The grant was finally made, in September, 1729, and the petitioners, or proprietors, with others who joined them, immediately entered on the work of settlement. The name of New Medfield was substituted for that of Dumer, and the dark forest soon fell beneath the axes

* Clark's Historical Sketch of Sturbridge, p. 4.

of these sturdy pioneers. Trials and difficulties, hardships and privations, were encountered without a murmur; industry and perseverance speedily changed the face of the wilderness; and the abodes of a happy and contented people sprung up where the wild fox had his haunt, and the panther made his lair. Such was the progress of the new settlement, that at the expiration of seven years it contained fifty families, and in 1738, it was incorporated as a town, under the name of Sturbridge.

Year after year passed away; one generation followed another to the tomb; but time in its progress annually marked new changes and new improvements; and now, after the lapse of a century, there are few traces of that grim poverty that frowned upon the early settlers of Sturbridge. The picturesque shores of the Quinnebaug are lined with mills and factories; the habitations of plenty and contentment smile upon the hillside and in the valley; turnpikes and railroads have taken the place of the forest paths of the backwoodsman; and where the solitude of the desert once reigned undisturbed by the voice or the step of the white man, the flaming car hurries along its living freight, while, beside it, the pulsations of the magnetic telegraph remind the classic scholar of the winged words of the Grecian poet.

Among the first settlers of Sturbridge, though not one of the original petitioners for the grant, was Moses Marcy. He was of English descent, and was born in

Woodstock, Connecticut, where he married, in 1723, a Miss Prudence Morris. His position at this time, though honorable, was so humble, that her parents were much opposed to the match; but he wooed and won her, in spite of all obstacles; and, in 1732, they removed to New Medfield, afterward Sturbridge, with a family of five children, subsequently increased to eleven. He appears to have been as enterprising in business as in love; and in the act of incorporation of Sturbridge, he is styled "one of the principal inhabitants." He built the first grist mill in the town,* became a colonel of militia, and held a number of important town offices; so that instead of being merely "*one* of the principal inhabitants," he was, says Mr. Clark, "in the opinion of his fellow-townsmen, *the principal one*. He was the first citizen who received the appointment of justice of the peace, and was the first representative which the town sent to the General Court. He held the office of moderator in seventy town-meetings, having been called to the chair at every annual meeting, and at most of the intervening ones, for twenty-four successive years. He was on the board

* Before Marcy's Mills were built, the people of Sturbridge probably had their milling done at Brimfield, Brookfield, Oxford, or in Connecticut. "Perhaps, however," says Mr. Clark, (Historical Sketch, p. 7,) "they had no occasion to go" to mill; "for it is reported by some of the oldest of their descendants now living, that their principal diet at first was *boiled beans*. These they usually prepared on the evening of one day in sufficient quantities for the breakfast and dinner of the next."

of selectmen thirty-one years, town clerk eighteen, and town treasurer eight,—not unfrequently filling all these offices at once. During the old French war, he repeatedly fitted out soldiers for the army on his own responsibility, and from his own private resources, for which he was afterward remunerated by the town. He died, October 9, 1779, at the age of seventy-two, leaving an honorable name, a large estate, and a numerous posterity.”*

The early inhabitants of Sturbridge were plain, practical men†—staunch whigs, and true democrats. Although they instructed their representative, (Moses Marcy,) in 1765, to use his utmost endeavors, “consistent with loyalty,” to procure the repeal of the stamp act, they also instructed their delegate to the Provincial Congress, held at Watertown, in 1775, that they desired to have an independent government established at once, in case the petition, or address, to the king, should be rejected. After the declaration of independence was promulgated, they assembled in town-meeting, and solemnly “engaged to support it with their lives and fortunes.” During the Revolution, almost every other business seems to have been entirely laid aside in

* Clark's Sketch, p. 8, (note.)

† With all their plainness and simplicity, they very well understood what were the rights of freemen; and when the question of the formation of a state constitution was agitated, and it was proposed to authorize the representatives to frame such an one as they judged best, they objected to having any set of men ratify a constitution for them, *before they knew what it was.*

the town, and after the war was ended, "the citizens had the air of soldiers, and seemed to delight in transacting their *civil* affairs, as far as possible, in a *soldier-like* way."*

Colonel Marcy was too far advanced in life to take part in the active scenes of the revolutionary struggle, but his counsel and advice were never withheld, and his sons and grandsons represented him well and bravely, on the battle fields of liberty.

Jedediah, one of the grandsons of Colonel Moses Marcy, was the father of the governor of New York. He married Ruth Learned, a descendant of one of the first proprietors of Sturbridge, and, like his own father and grandfather, was a farmer by occupation. He was a respectable citizen, and was highly esteemed by his fellow-townsmen. He commanded a militia company shortly after the close of the Revolution, held several town offices, and was prominent in every good and useful work designed to advance the spiritual or temporal interests of those around him.

WILLIAM L. MARCY, the son of Jedediah Marcy and Ruth Learned, was born in Sturbridge,—in that portion which is now Southbridge,—in Worcester county, Massachusetts, on the 12th day of December, 1786. His father was in comfortable, but not affluent circumstances; yet he was able to send his son forth into the world with all the advantages of a liberal education, and these, to one who knew how to wield

* Clark's Sketch, pp. 22, 23.

the power of knowledge aright, were fortune enough. In his boyhood William exhibited indications of the possession of more than ordinary talent and capacity, and after going through with the studies taught in the common schools of his native town, he was sent to the Leicester Academy.

This, it will be remembered, was the period of the bitter struggle between the federalists and republicans,—when passions and prejudices were aroused, that only spent their force with the lives of those who cherished them,—when society in all its aspects, in its business, its charities, its duties and its affections, felt the blighting effects of those partisan feelings enkindled in political conflicts,—and when denunciations and anathemas were hurled, without stint or favor, from the pulpits of New England, against the name and character of Thomas Jefferson. The preceptor of the academy at Leicester, Mr. Adams, notwithstanding his many good qualities, was what may be called a bigoted federalist—honest and well-meaning, no doubt, but nevertheless bigoted. In the institution of which he was the preceptor, a juvenile literary and social society had been formed, which took its tone and bias from his party prejudices. Young Marcy was a good and apt scholar, but he belonged to a republican family, and, for a lad, was prominent in the advocacy of the principles which he had early imbibed. In consequence of his opinions upon political questions, he was excluded from the

society before mentioned; but this act of injustice only confirmed his youthful predilections, and he defended his views and sentiments with greater zeal and earnestness. Thus presenting, in his own life, an example of proscription, it will not seem strange that he should have repelled the charge, as he afterward did in the Senate of the United States, that his political friends were the first to introduce it in the party contests of the country.

Having completed his academic course, he entered Brown University, at Providence, in the state of Rhode Island. His college career was marked by no incidents of peculiar interest. It was, indeed, an important epoch in his life, as it always is with every young man whose intellectual character is formed by the moulding hand of *Alma Mater*. He was a careful and diligent scholar, and attentive to every exercise of the University. Correct in all his studies, in the classics he particularly excelled. While in college, also, he devoted much of his time to miscellaneous reading, and to the cultivation of his naturally fine and appreciable literary taste; and here he learned to form those well-turned periods, for which the productions of his pen are distinguished.

In 1808 he graduated with high honor, and shortly thereafter took up his residence in the city of Troy, in the state of New York, where he studied law and commenced its practice. During his clerkship he took a part, not altogether unimportant, in the political

discussions that grew out of the foreign policy of Jefferson and Madison. Approving heartily of the principles and measures which they advocated and recommended, he defended their administrations with a zeal and ability that attracted the notice of the public. He was not long either in rising to distinction in his profession, and friends and clients rapidly gathered round him. "He came here," says a Troy newspaper, "from Massachusetts, with nothing to aid him but his talents and integrity. They were of the brightest character, and soon introduced him upon the theatre of public life. In every station he performed the duties assigned him to the public approbation. His private character was a model worthy of general imitation. Charitable and obliging, he soon won the esteem of all who knew him. He was successful in his business, and none who were needy and deserving ever asked his aid in vain."

He had just entered upon the active duties of his profession, when war was declared against Great Britain. Possessing the disposition to serve his country, however humble might be the station assigned him, he tendered his services to Governor Tompkins, together with the other members of a light infantry company belonging to the city of Troy, in which he held the rank of a lieutenant. This company was among the first dispatched to the northern frontier, and was stationed at French Mills, now Fort Covington.

On the night of the 22d of October, 1812, Lieutenant Marcy accompanied a detachment under the command of Major Young, whose object it was to capture a company of Canadian militia posted at St. Regis. The attack was successful, and the whole force of the enemy were taken prisoners. The latter occupied a house built of heavy square timber, but though they were advantageously situated for defence, made only a feeble resistance. Lieutenant Marcy approached the house with a file of men, broke open the door himself at the hazard of his life, and after the garrison surrendered, took from each man his arms. These were the first prisoners taken on land during the war.* Among the spoils of the expedition was the flag of the British company, which was, also, the first standard taken on land. This flag was afterward presented to Governor Tompkins, and is still preserved among the honored trophies of the war of 1812.

Immediately after this affair, Lieutenant Marcy, with his company, joined the main army under General Dearborn, which moved from Plattsburg toward Canada, and finally took post at Champlain. He was with Colonel Pike and his regiment in the unfortunate night expedition, in the month of November, against the British encampment on Le Collé river. When New York was threatened by the enemy, in the fall

* General Cass had captured some prisoners in Michigan, previous to this affair, but they were recaptured, which was not the case with those taken by Lieutenant Marcy.

of 1814, Lieutenant Marcy volunteered with his company for another tour of duty, and was stationed in that city till the close of the campaign.

As he was friendly to the administration of President Madison, so, also, he was among the most active supporters of Governor Tompkins; and during the war he first brought himself into general notice, by a series of articles which he wrote, and published in the Albany Argus, over the signature of "Vindex," in justification of the war, and in defence of the measures of Governor Tompkins. These articles were characterized by great research, by unusual force of argument and logical power, and were attributed to several of the ablest writers in the republican party in the state, and, among others, to General Armstrong, the secretary of war. The ability as a writer which he had thus manifested, led to his appointment as recorder of the city of Troy, which office he held for several years, and in connection with the emoluments of his profession, enabled him to support the family now growing up around him.

He had early formed an acquaintance, which speedily ripened into intimacy, with Mr. Van Buren, and like him reluctantly voted for De Witt Clinton, as the regular candidate of the republican party for the office of governor, at the April election in 1817. He was among the first, too, to express his dissatisfaction with the administration of Governor Clinton; and, on account of the freedom with which he made known his

sentiments and his friendship for Mr. Van Buren, he was threatened with removal from the office of recorder, in the winter of 1818. At the annual election in the spring of that year, the republican county convention of Rensselaer put in nomination a ticket composed of Clintonians. Mr. Marcy, partly by means of his official position, but mainly through his talents, had already acquired considerable influence, and he had placed himself at the head of the Bucktail faction in his county. Under his lead, therefore, the Bucktails of Rensselaer put a new set of candidates in nomination, and supported them in opposition to the regular ticket. Although Governor Clinton was notorious for his encouragement of irregular nominations, and notwithstanding his warm personal and political friend, Obadiah German, was elected to the legislature, at the same election, in opposition to the regular Bucktail candidate, the course of Mr. Marcy furnished what was thought to be a reasonable pretext for his removal, and in the month of June, 1818, the office was taken from him and bestowed upon one of the friends of the governor.

He was now left to depend upon the practice of his profession for a livelihood. But the temptations of a political life are not easily withstood by one who has experienced their seductive influence; its hopes and its struggles, its disappointments and its successes, its triumphs and its defeats, each and all have attractions which it is difficult to resist. Mr. Marcy had imbibed

a fondness for politics, of which he could not divest himself, and for this reason, as well as because of his sincere conviction, that the welfare of the state and nation materially depended upon the success of the party to which he belonged, he continued to take as deep an interest as ever in the political contests of the day. He was one of the most efficient supporters of Mr. Van Buren in his efforts to reorganize the republican party by the exclusion of the Clintonians, in 1819-20, and was at this time placed by common consent among its leading members. Though no longer in office, his talents were often put in requisition by his political friends. In the spring of 1819 he drew up the address of the Bucktail members of the legislature, justifying and explaining their course in refusing to cooperate with the Clintonians, and in the following autumn he aided Mr. Van Buren in preparing the pamphlet entitled "Considerations in favor of the appointment of Rufus King to the Senate of the United States."

At the April election, in 1820, he supported Governor Tompkins, in opposition to Mr. Clinton. His candidate was defeated, but the Bucktails, or republicans, as they may justly be called, elected a majority of the members of assembly. At the extra session of the legislature, in November, 1820, a new council of appointment was chosen, composed entirely of republicans, by whom, in the month of January, 1821, Mr. Marcy was appointed to the office of Adjutant General.

In this position, of course, he had no opportunity to distinguish himself. The duties which devolved upon him, were wholly of a ministerial character, but they were performed with promptitude and dispatch, and he introduced many important reforms calculated to increase the usefulness of the department confided to his charge.

In the efforts to procure the passage of a bill authorizing a convention to be held to revise the constitution, he was both prominent and active; and when the constitution of 1821 had been ratified by the people, and John Savage, the comptroller of the state, had been appointed Chief Justice of the new Supreme Court, he was chosen by the legislature, in February, 1823, to fill the vacant office. In the caucus of the republican members his nomination was warmly opposed by Samuel Young, John Cramer, and others, who had brought forward James Tallmadge, then a leading republican in Dutchess county, and formerly a member of Congress, as a rival candidate; but the influence of Governor Yates, and the well-known preferences of Mr. Van Buren, superadded to the admitted fitness of Mr. Marcy for the station, bore down all opposition, and he was nominated by a large majority.

While he filled the office of adjutant-general, he found its duties not incompatible with his residence in Troy or with the practice of his profession; but on his election to the comptrollership, he removed to Albany, where he has ever since continued to reside, except for

the four years during which he held a cabinet appointment under President Polk.

The office of comptroller, always an important one, had now become particularly so, in consequence of the large expenditures on the Erie and Champlain Canals, and the increase of the state debt. The business capacity of Mr. Marcy was put to the test, but so faithfully and skilfully were his complicated duties discharged, that no opposition was offered to his reelection, in the winter of 1826. He found the finances of the state in a prosperous condition, and it was through no fault of his, if they were less so when he surrendered the office to other hands. He introduced and perfected the present admirable system of collecting tolls and making disbursements, and he first exacted interest on the moneys of the state deposited with banks. He disapproved of the entire abolition of the mill tax in 1827, and repeatedly called the attention of the legislature, in his able and luminous reports, to the necessity of making some similar provision for the preservation of the General Fund. He also opposed the construction of the lateral canals, while he was the principal financial officer of the state, because it was not proposed, simultaneously with their commencement, to provide the means for the ultimate payment of the debt to be contracted.

As comptroller, also, Mr. Marcy was a member of the far-famed "Albany Regency," which, though it may not have been justly obnoxious to many of the

censures of the opposition, for many years controlled or regulated the action of the republican party in New York. With Mr. Van Buren, and a large majority of his political friends in this state, he advocated the election of Mr. Crawford to the presidency in 1824. In 1826, he supported Judge Rochester in opposition to Governor Clinton, and he powerfully contributed to the political revolution in 1828, that elevated General Jackson to the presidential chair, and placed Mr. Van Buren at the head of affairs in New York.

On the 15th day of January, 1829, Mr. Marcy was appointed one of the Associate Justices of the Supreme Court of the state, to fill the vacancy occasioned by the resignation of Judge Woodworth. To this new position, beside his acknowledged talents, he carried a sound and clear judgment, correct legal learning, impartiality, and integrity of purpose. In his hands the judicial reputation of the state did not suffer, but he demeaned himself in his high office with credit to her and to himself. While he had a seat upon the bench, he presided at the special circuit held at Lockport, in 1830, for the trial of the abductors of William Morgan. His course during these important and exciting trials; his urbanity, his firmness, and his impartial decisions, were highly commended by men of all parties.

The selection of Mr. Marcy as a judge of the Supreme Court gave great satisfaction to his friends, and to the members of the bar; and consequently, his early resignation of the office occasioned many feel-

ings of disappointment among those who were not acquainted with the moving causes. He had long been the confidential friend of Mr. Van Buren, and the latter had determined, in the winter of 1830-31, to resign the office of secretary of state soon after the close of the session of Congress. The mutual friends of Mr. Marcy and himself, in the state of New York, were then anxiously looking forward to his advancement to the highest office in the nation; and it became important, therefore, that, when he left Washington, his interests should be represented there by a reliable friend, one, too, possessing great ability and shrewdness. The term of office of Nathan Sanford as a Senator in Congress, was about to expire, on the 4th of March, 1831. Judge Marcy was accordingly fixed on as his successor, by the active managers in the republican party, and he was duly nominated, at a legislative caucus held on the evening of the 31st of January. He received seventy-seven votes, on the first and only ballot, and there were fifteen given for Erastus Root.

It was with great reluctance, that he came to the determination, that duty to his friend and his party required him to sacrifice a position, more desirable in a pecuniary point of view, and far more pleasing to him, than that to which it was now proposed to transfer him. He resigned the judgeship on the evening of the 31st, immediately after the result of the caucus was communicated to him, and on the following day was

elected a senator for six years from the fourth day of March ensuing. He took his seat in the Senate at the commencement of the next session, in December, 1831. His reputation for ability had preceded him to Washington, and he was complimented by being appointed to the important positions of chairman of the committee on the judiciary, and of a member of the committee on finance.

Almost the first act of his senatorial career was the defence of his friend Mr. Van Buren, who had been appointed, during the recess, to the English mission. As there were older senators who were more familiar with the negotiations in regard to the colonial trade, he had determined not to take part in the discussion; but when the politics of New York were attacked by Mr. Clay, and Mr. Van Buren and his friends were charged with being the first to introduce party proscription in the national politics, he could not remain silent. He spoke twice during the debate, and the following are extracts from his remarks:—

“The occasion which renders it proper, that I should say something, has arisen in consequence of what has fallen from the honorable senator from Kentucky (Mr. Clay.) His attack was not confined to the nominee (Mr. Van Buren;) it reaches the state which I represent in this body. One of the grounds of opposition to the minister to London, taken by the senator from Kentucky, is the pernicious system of party politics adopted by the present administration, by which the honors and offices are put up to be scrambled for by partisans, &c.,—a system which the minister to London, as the senator from Kentucky alleges, has brought here from the state in which he formerly lived, and had

for so long a time acted a conspicuous part in its political transactions. I know, sir, that it is the habit of some gentlemen to speak with censure or reproach of the politics of New York. Like other states, we have contests, and, as a necessary consequence, triumphs and defeats. The state is large, with great and diversified interests; in some parts of it, commerce is the object of general pursuit; in others, manufactures and agriculture are the chief concerns of its citizens. We have men of enterprise and talents, who aspire to public distinction. It is natural to expect from these circumstances, and others that might be alluded to, that her politics should excite more interest at home, and attract more attention abroad, than those of many other states in the Confederacy.

"It may be, sir, that the politicians of New York are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practice. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office; if they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belongs the spoils of the enemy.

"But if there be anything wrong in the policy which the senator from Kentucky has so strongly reprobated, he should know that this policy is not confined to the minister to London and his friends in New York, but is practiced by his (Mr. Clay's) own political friends in that state: he should know, that if to one man, more than any other now living, the existence of that policy is to be ascribed, it is to *one** of the senator's own political friends. The practice of making extensive changes in the offices, on the change of parties in that state, was begun, I believe, before the nominee was upon the political stage; certainly while he was quite a young man, and before he had acquired great consideration in political affairs. I must be permitted, sir, to say, that of all the party-men with whom I have acted, or been particularly acquainted, (and the number of such is not small,) I know of

* Ambrose Spencer.

no one who has acted with, or advised to, more moderation than the person whose nomination we are now considering.

"When the senator from Kentucky condemns the present administration for making removals from office, and then ascribes the act to the pernicious system of politics imported from New York, I fear he does not sufficiently consider the peculiar circumstances under which the present administration came into power. General Jackson did not come in under the same circumstances that Mr. Adams did, or Mr. Monroe, or Mr. Madison. His accession was like that of Mr. Jefferson. He came in, sir, upon a political revolution. The contest was without a parallel. Much political bitterness was engendered. Criminations and recriminations were made. Slanders of a most extraordinary character flooded the land. When the present chief magistrate took upon himself the administration of the government, he found almost all the offices, from the highest to the lowest, filled by political enemies. * * *

"I have very good reasons for believing that it is the gentleman's rule of conduct, to take care of his friends when he is in power. It requires not the foresight of a prophet, to predict, that if he shall come into power, he will take care of his friends, and if he does, I can assure him, I shall not complain; nor shall I be in the least surprised if he imitates the example which he now so emphatically denounces. * * *

"I must again allude to the grounds of the removal of some subordinate officers by the present administration, in order that it may be understood upon what principle the act is vindicated, and to repel the charge of wanton proscription. The necessities of the late administration were such that it compelled these officers to become partisans in the struggle. Many of them mingled in the hottest of the fight; they were paragraph writers for the newspapers, and the distributors of political handbills; and thereby exposed themselves to the vicissitude to which those are always exposed for whom the political contests in free governments are waged. *If among this class of officers there was more mortality attendant upon the late conflict, it was because there was more disease.*

"The senator from Kentucky has denounced removals from office

as a violation of the freedom of opinion, and the liberty of speech and action. He advocates a course of conduct toward political opponents, characterized by great moderation and forbearance, and what is much more, he professes to have conformed his actions to his precepts. We all of us, I believe, admire these liberal sentiments, and feel disposed, in our abstract speculations, to adopt them as the rule of our conduct. The theory is, indeed, beautiful; but, sir, do we put them in practice when brought to the experiment? I would ask the honorable senator, if he has, himself, practiced them? I will not say he has not, because he assures us he has; but I will say, that some part of his public conduct has exposed him to a strong suspicion of having departed from the path which he now points out as the true one, and of having wandered into that which he now thinks it is so censurable for others to have pursued.

"It will be recollected, sir, that there is considerable patronage attached to the department of state. To it appertains the selection of the newspapers in which the laws of the United States are published. I well remember that while that honorable senator was at the head of that department, and when the fortunes of the late administration began to wane, the patronage of publishing the laws was withdrawn from certain public journals which had long enjoyed it. What was the cause of this change—this removal from office, I believe I may call it? It was not a violent and vindictive opposition to the existing administration. Some of these journals had scarcely spoken in whispers against it. No, sir, it was for lukewarmness—for neutrality. A want of zeal in the cause of the administration was alleged to be the offence; proscription was the punishment. Where was then that sacred regard for the freedom of opinion and the liberty of speech and action which we now hear so highly extolled? Was not this an attempt to control public opinion through the medium of the press, and to bring that press into a subserviency to the views of the men in power?"

The views expressed by Mr. Marcy on the subject of removals from office show the eminently practical

character of his mind. He did not regard men as angels, but looked upon them as possessing all the attributes of mortality,—its selfishness, its passions, and its prejudices. The theory of those who are opposed to party proscription, as it is termed, is but a theory; and it cannot well be anything more, until the world becomes a great deal wiser and better than it is. Washington himself, the pure and high-minded, did not hesitate to remove the enemies of his administration; and no politician ever persisted in continuing his opponents in office, without blighting his prospects forever.

On the 8th of March, 1832, Mr. Marcy spoke on the apportionment bill. He had been a member of the select committee, who reported on the bill, which originated in the House, and therefore felt it incumbent upon him to explain and vindicate his opposition to it. He thought it unequal, and liable to the same objections that called forth the veto of President Washington in 1792, because it allotted members to fractions. His speech was not lengthy, but a clear and masterly effort, and mainly in reply to Daniel Webster on the constitutional principle.

The tariff question was agitated during the period of his service in the Senate. Various propositions were brought forward and discussed; a majority, perhaps, of the members of both Houses being sincerely desirous of adopting some compromise plan that would satisfy, or that ought to satisfy the manufacturing inter-

ests, and at the same time quiet the agitation in the staple states. This was Mr. Marcy's position. He was in favor of removing the duties on the non-protected articles, but opposed to any project that required protection to be absolutely given up. On the 17th of March, he voted for a resolution introduced by Mr. Clay, declaring that the duties on non-protected articles ought to be abolished, but proposed to amend it, by adding the following clause:—"And that the duties on articles imported into the United States, similar to such as are made or produced therein, ought to be so graduated as not to exclude such foreign articles from coming into competition in our markets with those made and produced in the United States; but to establish the competition on such terms, as shall give a reasonable encouragement and protection to the manufactures and products of the United States." He desired to have the whole tariff question opened, fairly and fully discussed, and finally settled, on an equitable, just, and firm basis. He wished to continue protection to such branches of industry as were entitled to and needed it, but not by so doing to oppress any interest or any section of the country. As the result of the debates in Congress at this session, the law of 1832 was enacted. Mr. Marcy did not approve of all the details of this bill, but voted for it as an improvement on the old system, which, he was satisfied, ought not to be longer continued in force.

Since then, his views upon this great question have

kept pace with the tendency of the opinions of the democratic party toward a strict revenue tariff. To the law of 1842 he was unequivocally opposed. It would not be just to him, however, to say that he approved of every feature and clause of the act of 1846, for that statesman or politician who did so could scarcely be found in the country. In a nation where there are so many conflicting industrial interests, measures of that kind must ever have a compromise character. But the general principles of the law of 1846 conformed so nearly to his views that he rejoiced most heartily at its passage.

He coincided fully with General Jackson upon the subject of the United States Bank, voted against its recharter, and approved of the veto. He has subsequently expressed his views on this question, at different times, and always against the expediency, the necessity, and the constitutionality of a national bank.

Approving of the principles of the Maysville veto, he voted against the bill providing for the improvement of harbors and rivers which was passed at this session, but failed to receive the approbation of President Jackson, because it contained a number of objectionable objects of expenditure. Among the other improvements specified in the bill, was the removal of the obstructions in the Hudson river below Albany; and the interests and inclinations of Mr. Marcy would have led him to vote in its favor, but, though he approved of this feature, he would not, to gratify either

his own personal feelings, or the wishes of his constituents on one subject, lend his votes or sanction to "a precedent dangerous to the state."

At this session, also, Mr. Marcy voted against Mr. Clay's bill providing for the distribution of the proceeds of the public lands among the states. To this measure he has ever been opposed, and has favored the antagonist proposition of the cession of the lands, in connection with the preëmption policy.

In consequence of the prevalence of the Asiatic cholera on the seaboard, Mr. Marcy, with most of the members of Congress from the northern states, returned home at the close of the session, in the month of July, by way of Harrisburg. In compliment to his high character, a public dinner was tendered to him by the republicans of that city, but his stay there being very brief he felt compelled to decline the invitation.

Early in the previous winter, Governor Throop had announced his determination not to become a candidate for reëlection, and almost simultaneously with the announcement, Judge Marcy was proposed as his successor by the New York Courier and Enquirer, which paper, however, did not aid in his election, but soon after changed its ground and opposed the democratic party in the state and nation. As if moved by a spontaneous impulse, the republican papers in the state, with very few exceptions, responded favorably to the suggestion ; and long before the nominations were reg-

ularly made, it was generally understood who the candidates were to be. During the winter powerful efforts had been made to bring forward General Root, but he had shown so many symptoms of disaffection, that but little strength was secured for him, and he shortly afterward abandoned his old political associates, and attached himself to the opposition party.

The antimasons were early in the field, having nominated Francis Granger for governor and Samuel Stevens for lieutenant-governor—the same ticket they had supported in 1830—at a state convention held in the month of June. The Herkimer convention met in September, and on the first ballot for governor, Mr. Marcy received one hundred and thirteen of the one hundred and nineteen votes cast. The friends of the Chenango Canal formed a powerful party in the convention, and as the election promised to be warmly contested, both upon the state and electoral tickets, John Tracy, of Chenango county, a friend of the proposed canal, and a prominent republican in that section of the state, was selected without difficulty as the candidate for lieutenant-governor.

At this election the coalition between the national republicans and antimasons in the state of New York was complete. The former nominated at their convention and supported the antimasonic state ticket, and also the electoral ticket which the antimasons had adopted; the latter, however, contained a fair proportion of national republicans, and it was tacitly under-

stood that the candidates, if successful, would give the vote of the state to Henry Clay, or to William Wirt, the nominees respectively of the national republican and antimasonic parties, if the election of either could thus be secured.

The canvass was warm, particularly on account of the bank question and other national issues, but the democratic state and electoral tickets were successful. Mr. Granger ran ahead of the coalition electors, in the Chenango valley and western districts, but as Judge Marcy was not a mason, nor committed against the Chenango Canal, he was well sustained by his party friends. His majority over Mr. Granger fell a little short of ten thousand in an unusually heavy poll.

Parties in the Senate being almost equally divided, Mr. Marcy resumed his seat at the commencement of the next session of Congress, but resigned it in time to enter upon his duties as governor of the state, on the 1st day of January, 1833. His first message was looked for with some interest. As a literary production, it called forth commendation from every quarter, as, indeed, was anticipated by those who knew what a practiced pen he wielded. The financial policy of the state was, as it had been for several years, the great subject of interest, and it had a deserved prominence in the message. The annexed extracts will show the chart he laid down for his guidance, when he first took hold of the helm, which Governor Throop resigned to his hands :—

"The General Fund is almost exhausted, by the liberal contributions it has yielded to all the other funds, by the payment of the state debts, and by furnishing, unaided for the last five years, all the means for the ordinary and extraordinary expenses of the government. The revenue from this fund has at no time been sufficient, without the avails of a general tax, to satisfy the demands upon the treasury. In order to meet these demands, and to relieve our fiscal affairs from embarrassments, it became necessary, in eighteen hundred and fourteen, to impose a tax of two mills on each dollar of the valuation of real and personal property in the state. This tax was continued until eighteen hundred and eighteen; then it was reduced to one mill; in eighteen hundred and twenty-four to half a mill, and in eighteen hundred and twenty-seven it was wholly discontinued. When the legislature refused to continue the tax, it was well understood that the General Fund could not long sustain the burden cast upon it; that its capital would be rapidly reduced, and soon exhausted. Though this event has not approached so rapidly as was anticipated, it is now at hand, and this session should not, in my judgment, be permitted to pass away without providing the means, by the adoption of some settled plan, to satisfy the demands that must inevitably be made upon the treasury. The annual expenses of the government, in future years, will not fall far below three hundred thousand dollars, and all the available means for the current year, other than a resort to the remaining capital of the General Fund, will be less than one hundred thousand dollars.

"According to the statement of the Comptroller, the capital of this fund is now only five hundred and seventy-eight thousand three hundred and ten dollars; and if from this amount be deducted the debt due for the stock issued to John Jacob Astor, now payable at the pleasure of the state, this capital may be regarded as almost entirely expended. At the period when the state tax was discontinued, I had the charge of the financial department of the government. Disapproving of the policy of impairing the General Fund, I recommended the continuance of the tax; and in subsequent years I deemed it my duty to urge a return to it. It would be useless to attempt now to determine whether the

policy thus recommended, and I believe every year since urged upon the legislature by the head of that department, and for the three last years by the Executive, was preferable to the course which has been pursued. We are now brought to a condition in which the expedient heretofore used for meeting the demands on the treasury, can be no longer resorted to, and a new system of revenue must be devised.

"A movement has been made for the purpose of releasing the auction and salt duties from the constitutional pledge by which they are secured to the canal fund. If this measure should be consummated, and the avails of these duties restored to the General Fund, and the amount of the income from these sources should not be materially affected by the anticipated change in the salt duty, or the possible legislation of Congress in relation to auction sales,—the revenue would in this manner receive an augmentation which will render it nearly, or quite equal to the demands upon it. But it will be perceived, that this proposed measure is beset with contingencies which cannot be effectually controlled by your legislation. The people may not approve of the proposition to release the pledge; and if they should, it may not be deemed wise to draw, after the canal debt is paid, a large revenue from these sources, or to devote what may be thence drawn to the support of the government.

"The canals are rapidly accumulating the means for the extinguishment of the debt for which their income is hypothecated. When this object is accomplished, the tolls may, with fair claims of justice, be resorted to, for the means of replenishing the treasury, to an amount at least equal to the sum abstracted, for the benefit of the canals, for the benefit of the General Fund. On whatever principle this account shall be stated, the sum that will be found due, will probably be sufficient, not only to reimburse any loans which may be made for defraying the expenses of the government, but to afford a temporary aid to such works of internal improvement as the state may think it wise and prudent to undertake.

"The money diverted from the General Fund to the use of the canals, belongs equally to the citizens in all parts of the state; but the object to which it was appropriated, though eminently beneficial,

was not so to all in an equal degree. The inhabitants, in districts of the state remote from the canals, do not derive as much advantage from them, as those in their immediate vicinity; they will therefore naturally prefer to have the treasury replenished by a repayment of the contributions made to the canals, rather than by resorting to a general tax. The justice of a claim upon the revenue of the canals to some extent, in favor of the General Fund, will probably not be denied; but the amount which shall be repaid, and the objects to which it shall be appropriated, will doubtless give rise to much diversity of opinion. If we were prepared to settle these questions, we have not the power to do so; they must be left for our successors. Shall we then anticipate their decision, and accumulate a debt for the ordinary expenses of the government, trusting to the future appropriations of the income of the canals, for its repayment? Without a confident reliance on this, or some other certain and specific resource for its redemption, there are, in my mind, strong objections to the creation of such a debt. A national debt has been regarded by the true friends of a republican government as a national evil. When the public funds are not drawn immediately from the people, a proper sense of dependence on the part of those who have the appropriation of them is lost; and a salutary check to improvident and profuse expenditure is removed. When the motive for the constituent to scrutinize the conduct of the representative is enfeebled, the latter ceases to feel and act under the consciousness of a due accountability. If the force of this relationship in a government like ours be weakened, the action of the whole political system is deranged; economy is no longer regarded as a political virtue; public spirit loses its true aim; and its energies are directed to personal and ignoble ends. A large funded debt has a tendency to create artificial distinctions among the people—to divide society into the rich and the poor, and to bring about a state of things, in which labor is made tributary to wealth, and power purchased by influence. At this time, when the general government is presenting for the admiration of the world the unprecedented fact, of the total extinguishment of a large national debt, it would ill become this state, eminently distinguished for her wealth, her

resources, and the enterprising spirit of her citizens, to counteract in any degree, this impressive political lesson, by the commencement of a debt for the purpose of defraying the expenses of the government.

"A national debt may be the result of inevitable necessity. The efforts which nations are sometimes required to make, to recover their civil liberty, or to defend their rights, may involve an expenditure beyond their present ability to pay. A debt thus contracted confers no reproach, and its payment may be deferred until the people that incurred it, have replenished their resources, and become able to sustain the burden of discharging it, without withering their prosperity. Such was the origin of our national debt, and such has been our course in regard to its payment. The debt contracted by this state on account of the canals, is justified on a different principle. The object for which it was incurred, was specific, and ample means for its speedy redemption were provided in the very act which authorized it. It could in no event have been forwarded on to a future age, as an incumbrance upon it, to be paid by a general tax, without a violation of the most solemn pledges.

"Whether a resort to a general tax, moderate in amount, in order to provide the means to meet exigencies of the government, shall be forborne, and a reliance be placed on the chance of deriving sufficient aid for that purpose from the duties on salt and auction sales; or a debt shall be contracted, with a view to its redemption, from the canal revenue, after it is relieved from its present hypothecation; are questions which may with propriety be left to the immediate representatives of the people. If upon due deliberation, you should determine to levy a tax, and leave the other revenues unanticipated and unimpaired, to be managed and disposed of by your successors, as the best interests of the state shall indicate, when the existing incumbrance is removed, I feel the fullest confidence that the people will cheerfully acquiesce in the decision.

"There is no subject connected with our local affairs that we can contemplate with so much satisfaction as our works of internal improvement. The advantages resulting from them are felt in all parts of the state, and in the diversified occupations of our citizens.

Everywhere their beneficial effects are visible, bearing testimony to the wisdom which conceived the system, and to the enterprise which put it into practical operation. The peculiar formation, indicated at an early period to some of our enlightened and sagacious citizens, the practicability, as well as the usefulness, of connecting the great northern and western lakes with the Atlantic ocean by means of artificial water communications. The enterprise of the present age has most successfully carried into effect the grand conceptions of the past. The spirit which prompted us to enter upon this system was not, however, wild and reckless; while it anxiously sought the end, it carefully estimated and wisely provided the means for its attainment. Though much has been done to improve the condition of our state, much yet remains to be done. While we allow the success which has attended our efforts at home, to impel us forward in the career of improvement, we should not be regardless of the less fortunate effects which have resulted from similar enterprises abroad. On the one hand, it would be unworthy of the character of the state to pause in this career: on the other, it would be more unwise to rush forward in it, accumulating burdens upon the people without securing proportionate advantages.

"From all internal improvements, there necessarily result local benefits, and it is natural that those parts of the state which have not participated in them should indulge an impatient desire to do so. Wise legislation should endeavor to gratify this desire as far as practicable, when it can be done with due regard to the public interest. Local interests concurring with, or pretending to, the general good, will devise and press upon your consideration particular plans for improvement, both by canals and roads; and if you should determine that it was expedient to do more at present than to complete those already begun, the difficult and responsible duty of selection will devolve on you. Though revenue is not the sole consideration that should influence your decision, it ought to have great weight with you, for it will be a test of the public usefulness of the work. In my judgment, the first object of inquiry should be, to ascertain, as accurately as possible, the amount of expenditure a

proposed work will involve; and next, the amount of revenue that may be derived from it. If the revenue promises to be sufficient to keep it in repair when finished, to defray the expenses of superintendence and the collection of tolls, and to meet the claims for interest on the capital expended, sound policy requires that it should be constructed. Even if a less favorable result should be anticipated for a few years, the question of authorizing the construction of a public work may yet be very properly entertained. An improvement, opening an easy and cheap communication into the interior of any part of the state, would soon develop new resources in that section, increase the quantity of its productions, and expand its trade. If it should require the lapse of a few years to produce these effects, and to increase the revenue to an amount sufficient for the purposes before specified, this would constitute no conclusive objection to the undertaking. Should the proposed work be connected with those now in operation, the effect that it might have on the productiveness of them, should also be regarded, and, to a reasonable extent, influence your decision. Improvements that will insure these results at the time of their completion, or shortly thereafter, should inspire no dread that a general burden will be cast upon the state, to discharge the debt created for their construction; because the gradual growth of the adjacent country, and consequently the extension of trade, will increase the revenue, until there will ultimately be a surplus to be applied in redemption of the debt contracted on their account."

It was remarked by an able English writer, who visited this country many years ago, that ours is "entirely a government of opinion," and whatever "the [American] people wish is done."* In a democratic community, says De Tocqueville,† "opinion is more than ever mistress of the world:" yet, however true

* Excursion through the United States and Canada, p. 70.

† Democracy in America, Part II., book i., chap. 2.

this may be in the general, public opinion, in its practical expression, is not always "the absolute power of a majority," as the French philosopher and statesman supposes, unless, indeed, the experience of 1848 may have impressed him to the contrary; but it is oftentimes the sentiment of a mere minority, either forced upon the acceptance of those who hold the balance of power by political considerations, or tolerated by them for special reasons which may be but slightly connected with the subject matter itself. Where an opinion becomes absolutely that of a majority, and is cherished in earnestness and sincerity by all the components of the majority, it undoubtedly exercises a controlling influence; and the governmental action which it invokes, and never fails to secure in the end, may be said to be the result of public opinion. In this sense, and in such a case, what the American people wish, is done. But the opposite is also frequently true, and what the American people do not wish is done; and when done, they do not attempt to undo it. Circumstances shape the fortunes of states as of individuals; and political accidents, and apparently inconsequent facts, sometimes lead to important results. In the politics, and in the legislation of democratic governments, minorities often carry their ends, by obtaining the aid of those who are indifferent or neutral in respect of those ends; or, where two great parties exist, by forming a third party, and threatening to unite, or actually uniting, with one or the other of the principal organizations.

The state of New York furnishes many illustrations of this fact, in her history. It is very doubtful whether a majority of the people originally approved of the construction of the Erie and Champlain canals, but the interest arrayed in their favor was a powerful one, and by combining with a political party, and by temporary accessions from other quarters, it secured sufficient strength to command success before the legislature; yet public opinion never underwent any material change, till the utility and practicability of those works had been actually demonstrated by their completion and employment in the purposes of navigation. Antimasonry was, in the first place, confined to a comparative few; but it fairly forced itself upon a large and influential party, which, had the masons stood firmly by the institution that was the object of its assaults, would have gained the ascendancy in the state; and still, a majority of the people would not have been antimasons. So, too, of abolitionism: at the beginning, it was treated with contempt by men of all parties, but it soon became an important element in the politics of New York, and controlled them in fact, long before a majority of the electors, if that be the case even now, had manifested a disposition to embrace its principles. The lateral canal interest, by which the Chenango canal project was put forward as a pioneer measure, possessed but little power at first; but it was earnest, importunate, and determined; defeat only made it stronger; and disappointment but stimulated it to greater exertions.

In the end, it made captive of both parties, and triumphed over all opposition ; and yet at no time was it sustained by the favorable wishes of a majority of the people. The minority, taking advantage of party divisions and interests, tyrannized over the majority.

Governor Marcy was not committed, either one way or the other, upon the subject of the Chenango canal, at the time of his election ; and in his first annual message, after stating that there were conflicting opinions in regard to the cost of the proposed work, and the probable amount of revenue it would yield, upon which the legislature should decide, he merely commended it to their favorable notice, with the expression of the hope that its merits might be found such as to induce them to authorize its construction. His views upon the subject of the finances of the state, differed but slightly from those of his predecessor, but he occupied a more impartial position, for the reason that he lived in a section where the local interests opposed to, or in favor of the canal, exerted no direct influence. Along the whole line of the Erie canal, and particularly in Western New York, there was a strong feeling against the Chenango canal, because it was thought that if the work should be constructed, it would not be a profitable concern, but would become a charge upon the state treasury, and thus either require the imposition of a direct tax, or prevent any reduction of the tolls on the Erie and Champlain canals.

But while Governor Marcy was opposed to the crea-

tion of a state debt for objects of internal improvement, relying for its repayment entirely upon prospective revenues, he did not occupy the extreme ground held by Colonel Young and a majority of the canal commissioners, that no work ought to be commenced that would not be immediately profitable. His position was a moderate one ; he was not illiberal on the one hand, nor friendly to lavish expenditures on the other. He had none of the overstrained parsimony of Warburton, of whom Moore has said,

“ He would most willingly cut down
The holiest groves on Pindus’ mount,
To turn the timber to account ;”

nor was he in the least inclined to follow the prodigal example of Pitt, which almost wrecked the financial hopes of England beyond the prospect of recovery. He stood between extremes. He was not opposed to everything like change or improvement, nor blinded by the fanciful and deceitful visions of future prosperity which lured only to ruin and disgrace ; but in favor of that sound and healthy progress which alone conduces to the permanent welfare and happiness of a people or a state.

As the salt and auction duties had been originally pledged and set apart for the payment of the canal debt, and a direct tax levied to make up the deficiency in the General Fund,—and as the people of the whole state had thus contributed to the construction of the Erie

and Champlain canals, he thought it only just and right that other sections should be similarly aided, in the development of their resources, out of the fund derived from the canal revenues, so far as it could be done without adding to the debt of the state, or impairing its credit.

Another feature in the character and course of Governor Marcy may be mentioned here. He was not a timid man, nor afraid of incurring responsibility; but being a shrewd observer, and possessing an almost intuitive knowledge of men, he knew that it was wiser, and generally safer, to persuade rather than to compel, and he allowed the legislature of the state a wide latitude in deciding upon all questions affecting the interests of their constituents, so long as the provisions of the constitution were not disregarded.

At the winter session of the legislature in 1833, the friends of the Chenango canal were prompt to urge their favorite project. It had, doubtless, been tacitly understood, during the preceding canvass, that the application would be favorably regarded by the democratic members of the legislature; for it was pretty evident that a further denial of the application would hazard the ascendancy of the party; and, conceding the merits of the proposed measure, the time, and the condition of the state finances, were not unfavorable to the commencement of the work. A bill authorizing the immediate construction of the canal, passed both houses at this session, and was approved by the gover-

nor. Heretofore, this project had received the support of the leading antimasons in western New York, but most of the members, of both parties, from that section of the state, opposed the law as finally enacted, because it contained a provision, inserted to meet the views of Governor Marcy, that if the appropriation based upon the estimates should not be sufficient, the deficiency should be made up out of the canal fund. This provision, it was apprehended, might interfere with the reduction of tolls on the Erie canal, and hence the votes of the western members.

Throughout the whole period of Governor Marcy's administration, with the exception of a portion of the last term, the legislature was beset by applicants for bank charters. The United States Bank veto of President Jackson in 1832, created an anticipated necessity for the further increase of banking capital under the state laws; and the inordinate profits of the state banks, in consequence of the removal of the deposits in 1833, during the era of speculation that ensued, heightened the mania for charters to such an extent, that it threatened to bear down everything before it. The influence of the governor, willing as he was to leave matters of this kind entirely in the hands of the legislature, was exerted against any undue augmentation of this powerful interest, and he favored only such an addition to the banking capital of the state as was rendered necessary by the increase of business. He could not prevent the corruptions and mal-practices, always incident

to legislation, affecting moneyed or stock interests, yet his influence was salutary. In 1833, but eight charters were granted; in 1834, of one hundred and five applications, only seven were favorably regarded; in 1835, not a single charter was granted; and during the remainder of his administration, but two or three banks were incorporated.

In his annual message in 1834, the governor advised extreme caution in granting bank charters, and suggested the propriety of making some provision whereby the stock of newly chartered banks should go into the hands of the permanent holders worth only its par value. He also recommended the reduction of the rate of interest on bank loans to six per cent. These two measures, he thought, would have the tendency to diminish the number of applications. The first was not found to be practicable, but the rate of interest was afterward reduced in accordance with his recommendation. With respect to the lateral canals, he avowed himself in favor of constructing works subordinate to the Erie canal, when the finances of the state would permit; but he enjoined it upon the legislature to remember the cautious policy of former years, and not by imprudent haste, to put in hazard the whole system of internal improvements.

In the autumn of 1833, the public deposits were removed from the Bank of the United States, and that institution immediately commenced a rapid curtailment of its discounts, and pressed the collection of debts due

it, with unexampled harshness and severity. The money market at once became affected, and business men, either directly or indirectly dependent upon the bank, were much embarrassed. In the city of New York, the pressure was for a time quite severe, but the state banks were desirous of assisting their customers as far as possible in this emergency. It was feared, however, that if they should extend their accommodations and increase their circulation, they would incur the hostility of the United States Bank, and be obliged to suspend specie payments. To protect the people of the state, and its commercial, agricultural, and industrial interests, against so great a calamity, Governor Marcy recommended, in a special message to the legislature, on the 24th of March, 1834, a loan of the credit of the state to the banks, in the form of state stock, to the amount of four or five millions of dollars. This recommendation was approved by the legislature, and a law was passed in conformity therewith. This law, termed by the political opponents of the governor, "Marcy's Mortgage," was never carried into effect, as the banks proved able to sustain themselves without the assistance of the state; but throughout the summer and fall of 1834, it was a prominent theme for animadversion in the opposition papers.

Antimasonry ceased to exist, as a political organization, soon after the coalition in 1832, by reason of the virtual disbanding of the masonic fraternity. The original founders of that party claimed to be totally op-

posed to all secret societies, but this principle they were unable to sustain. Associations of the same character existed during the whole period of the antimasonic excitement, within the state of New York, and they never suspended their operations. The object of attack, in effect, was merely the masonic institution; and the practical result was to put it, as it were, temporarily in abeyance. The institution was not destroyed, but reformed somewhat, and then revived. If its power may be measured by numbers, it now wields a still greater influence than ever; and the very weak hold which the principle of opposition to secret societies took upon the public mind, is evinced by the fact, that many prominent antimasons in western New York, in the old "infected district," are at this time members of the masonic society, and a still greater number belong to other associations framed after that as a model, and liable to the same objections, whether justly or unjustly is not material to the present writing, once urged against masonry.

Opposition to the veto of the United States Bank and the removal of the deposits, furnished a sort of common ground or principle on which the various political elements and organizations hostile to General Jackson and his friends, could unite. In the winter of 1834, the coalition of the national republicans and antimasons in the state of New York, was made complete, by the adoption of a common name. They now assumed the appellation of Whigs, which was shortly

afterward adopted by the entire opposition to the democratic party of the Union, with the exception of a small faction of the State Rights' party headed by John C. Calhoun.

From the time of the removal of the deposits till the fall elections in 1834, the financial measures of the general administration were the principal topics of discussion, and state questions were forced to give place to them. A last powerful effort was made by the United States Bank to produce a reaction of popular feeling, favorable to that institution, and the canvass for the gubernatorial election opened early in New York, and was conducted with much spirit. The administration of Governor Marcy had been so entirely satisfactory to his party, that he was unanimously nominated for reelection, at the Herkimer convention, held on the 10th of September, 1834. Lieutenant-governor Tracy was also renominated with like unanimity. The whig candidates were William H. Seward, of Cayuga county, formerly a leading antimason, and Silas M. Stilwell, of the city of New York.

Although the removal of the deposits, and the national bank question, were topics of so great prominence in the political discussions of this year, the loan law recommended by Governor Marcy was not overlooked, and an attempt was made to render him unpopular with the people in consequence of it. The connection of the general administration with the state banks, and the alleged favoritism shown to the safety fund institu-

tions by the state authorities, were likewise subjects of partisan controversy. The safety fund system was vehemently attacked in the whig papers; it was called a politico-commercial scheme, and the banks chartered under it were said to be entirely under the control of the Albany Regency. This assertion, probably, was not well founded, for it is certain that a large majority of the state banks in New York were owned or controlled by active members of the whig party.

The democratic state ticket succeeded by a much larger majority than in 1832. Over three hundred and fifty thousand votes were cast for governor; and the majority of Governor Marcy over his opponent was nearly thirteen thousand.

In his next message to the legislature, at the commencement of his second term, Governor Marcy repeated his former views upon the state finances, and advised a continuance of the cautious policy which had been pursued. Apprehending a diversion of the western trade in favor of Pennsylvania, in consequence of the facilities afforded by her extensive system of internal improvements, the friends of the Erie canal had for some time urged its enlargement, in order that its capacity might keep pace with the increase of business. The governor invoked the attention of the legislature to this subject, justly regarding it as one of paramount importance, because the Erie canal was the back-bone, so to speak, of the canal system of the state. He expressed himself in favor of the enlargement, to be car-

ried on as rapidly as the surplus revenues arising from tolls would permit. In accordance with his advice, the legislature, during this session, authorized the surplus revenue to be applied to the enlargement and improvement of the Erie canal, and the construction of double locks, as soon and as fast as the public interest, in the opinion of the canal board, required such improvements to be made. Applications in behalf of the Black River and Genesee Valley canals were made at this session, but did not receive a favorable consideration: at the next session, however, in the winter of 1836, those works were authorized to be constructed.

One of the consequences of the increase of the banking capital of the state was, that coin was almost driven out of circulation. A general desire was expressed to have the legislature provide a remedy for this evil, and the whig state convention in 1834 adopted a resolution in favor of the suppression by law of bank notes of the smaller denominations. The democratic party were equally favorable to the measure, and it was recommended by Governor Marcy in his annual message in 1835. A law was accordingly passed, providing for the gradual suppression of bank notes under five dollars. This was not a party question, as it afterward became, and the vote in favor of the bill was nearly unanimous.

In the same message Governor Marcy advised the legislature to refuse to grant any more bank charters, at least for the present; and his advice was heeded. The number of new banks chartered within a few years,

though bearing but a small proportion to the applications, had already alarmed many citizens, and in the summer of 1835 a new party was formed, in the city of New York and in some other counties, whose creed was, opposition to bank charters and to legislative monopolies and special privileges of all sorts, but particularly those connected with the moneyed interest. This party was called the Equal Rights, or Loco Foco party. It was at first principally composed of democrats, but while it remained a mere faction, the whigs frequently coöperated with it at the elections. In 1836, it brought forward a separate state ticket, but in the following year it united with the democratic party, and eventually became the nucleus of the radical faction.

The year 1834-5 was also distinguished by the rise of the abolition, or anti-slavery party. Governor Marcy was among the foremost in opposing the anti-slavery agitation, and he has ever since opposed any movement calculated to create or foster sectional prejudices or ill feelings. On the 4th of September, 1835, he presided at a public meeting of the citizens of Albany, attended by the most venerable and distinguished men of both the great parties, at which resolutions were adopted, declaring that the movements of the abolitionists were incendiary and threatened to disturb the peace of the country, and that they ought to be frowned upon and discountenanced by all sincere friends of the Union. Such have ever been the sentiments of Governor Marcy. He has been neither an ultraist nor an alarmist. Upon

the abstract question of slavery, his opinions may not have differed essentially from those of the abolitionists; but he has uniformly adhered with fidelity to the old republican doctrine of non-interference with the civil and social institutions of other states.

During the second term of Governor Marcy, the speculating mania produced by the use of the public moneys as the basis of bank discounts, reached its culminating point. He foresaw the evils likely to result from this disturbing element in business, and in his annual message in January, 1836, he referred to the "unregulated spirit of speculation" in stocks and real estate which pervaded the community, and cautioned the legislature against affording it any encouragement. He apprised that body that the general fund was exhausted; that the Chenango canal would cost double the original estimates; and that the Erie canal enlargement would involve an expenditure of twelve millions of dollars. He remarked, therefore, that he felt bound to protest against any departure from the policy he had always recommended, that of confining appropriations for new works to the surplus revenue arising from tolls, and against pledging the credit of the state for further improvements, at least until ample means had been provided for the prompt payment of interest, so that the stocks of the state would not suffer depreciation.

Both parties, however, seemed to have caught the prevailing infection, and during this session laws were passed, by large majorities, directing the preliminary

steps to be taken toward the construction of the Black River and Genesee Valley canals. It may have been an error on the part of Governor Marcy that he did not oppose with greater determination and decision these incipient movements that led to the creation of a large additional debt; but it must be remembered that the entire whig party were at that time strenuously urging a more enlarged system of improvements, and their opponents were charged with being hostile to the public works, and with cherishing narrow and illiberal views. If, then, Governor Marcy had vetoed any of these measures, it is more than probable that public opinion, carried away with the prevailing excitement, would have swept him and his party from power, at the next election, and promptly followed up its success by plunging the state headlong into debt.

Governor Marcy and Lieutenant-governor Tracy were unanimously renominated at the democratic state convention in 1836. An unexampled degree of prosperity, deceitful though it was, everywhere prevailed, and notwithstanding a president was to be chosen this year, the elections were not conducted with much warmth. Jesse Buel and Gamaliel H. Barstow were the whig candidates for governor and lieutenant-governor, but no very powerful efforts were made to secure their election. Messrs. Marcy and Tracy were again the successful candidates, and obtained almost thirty thousand majority over their opponents. The Equal

Rights candidate for governor received less than four thousand votes.

The third term of Governor Marcy was pregnant with important events, affecting him not so much, personally, as they did his friend Mr. Van Buren, then the leader of the democratic party in the nation. In his annual messages in 1837 and 1838, the former advised the same cautious policy in regard to works of internal improvement which he had before recommended. At the session of 1837 no further appropriations were made; but in 1838 the governor recommended an additional appropriation for the enlargement of the Erie canal as being necessary to carry on the work before authorized.

Year after year the dissatisfaction with the banking interest, growing entirely out of misconduct, perhaps incident to the system, but confined to a few isolated cases, had gone on steadily increasing, until, in 1837, it was evident that no more charters would be granted under the old system. The governor then recommended the modification of the restraining law, and the legislature adopted his suggestion. In 1838, he avowed himself in favor of a general banking law, such as would obviate the objections to the monopoly features of the existing system, to be passed by a two third vote. The act of that year, which, as amended, is now in force, received his approbation and signature.

When the Independent Treasury project was first presented in the summer of 1837, Governor Marcy was

not favorably inclined toward it, but subsequent reflection satisfied him that it would be for the permanent advantage of the government, the people, and the banks, not to renew the connection which had existed, and which had been severed by the suspension of specie payments. He therefore expressed his concurrence in the sentiments and recommendations of Mr. Van Buren, in his annual message to the legislature in 1838; he approved of the independent treasury law as originally enacted in 1840; was opposed to its repeal; and, as a member of Mr. Polk's cabinet, was highly gratified with its reënactment.

During the civil war in Canada, in 1837-8, Governor Marcy, like Mr. Van Buren, firmly and promptly opposed every attempt to interrupt the peaceful relations of the country by any infraction of treaty obligations, but at the same time adopted, with characteristic energy and determination, such precautionary measures as were deemed necessary to protect the state against invasion.

Mr. Marcy and Mr. Tracy were nominated for a fourth term in the fall of 1838, but they were borne down by the current that prevented the reëlection of Mr. Van Buren. The election turned principally upon national questions; most of the conservatives in the democratic party who were opposed to the independent treasury refused to support Governor Marcy; and while the state bank interest became in a great measure hostile to him, many of the ultra equal rights men on the

other hand opposed him. The citizens of New York who had sympathized with and aided the Canadian patriots, were also unfriendly to him, as the head of the state authorities who had opposed their movements. The whigs as a party had committed themselves in favor of the small bill law, but after the suspension of specie payments, they were equally decided in advocating its repeal. The democratic party hesitated to restore the power to issue small bills, and, as great difficulty was experienced in changing money of small amounts, this question operated to prejudice their ticket with the people.

A very heavy vote was cast by both parties, and the whigs carried everything before them. Their candidates for governor and lieutenant-governor, William H. Seward and Luther Bradish, were elected by more than ten thousand majority.

The term of office of Governor Marcy expired on the last day of December, 1838. His defeat and retirement from office could not, of course, materially affect one so experienced in political warfare. The motto of the politician is, practically, always—“*Hodie tibi, cras mihi!*”—“To-day is yours, but to-morrow may be mine!”—for reverses and disappointments rarely fail to be mingled with his triumphs. If the people had no further need of his services, Governor Marcy was the last man to complain of ingratitude, or to charge them with inability to appreciate his merits.

Within a few months after his defeat in the guber-

natorial contest, he was appointed by President Van Buren one of the commissioners to decide upon the claims against the Mexican government, under the convention of April, 1839. He held this office till the powers of the commission expired, in February, 1842, when he again retired to private life. His duties as commissioner had required his presence at Washington for the greater part of the time, but he still regarded the city of Albany as his residence, as he has ever since done.

He supported Mr. Van Buren for reëlection in 1840, and the democratic state ticket headed by William C. Bouck. In 1842, he contributed to elevate the latter to the place which he had himself once occupied, and during his entire administration, was his friend and adviser. Though all the while decided in his political position and course, he did not actively engage in the politics of the state. When the democratic party of New York manifested symptoms of dividing upon state issues, he endeavored to prevent such a result, but his efforts to produce harmony, though temporarily successful, proved in the end to be unavailing. During the administration of Governor Bouck, the lines began to be drawn between the two factions of the party; the one adopting the extreme views of Colonel Young, in opposition to internal improvements unless immediately profitable, or yielding sufficient revenue to pay for the cost of construction and all other expenses; and the other favoring a liberal system of expenditure.

The first were the radicals, afterward called barnburners, and the others the conservatives, or hunkers.

Strictly speaking, Governor Marcy, as has been intimated, occupied a position between the two extremes, and therefore desired to keep the party together. The radicals, as is always the case with reformers, were somewhat intolerant and illiberal, and were probably rendered more so than they would otherwise have been, for the reason that many of the conservatives were equally violent in their opinions, and harsh in their policy. Men of moderate views were naturally thrown into the ranks of the conservatives. This was the case with Governor Marcy. In September, 1843, he attended the democratic state convention held at Syracuse to select delegates to the national convention, at which a president and vice-president were to be nominated, as one of the delegates from the county of Albany. He was chosen to preside over the convention; the conservatives, and those who were as yet undecided as between the two factions, voting for him, and the radicals for Samuel Young. His first choice for the presidency was Mr. Van Buren, and so far as his influence could contribute to the nomination of that gentleman, it was cheerfully exerted. He was, however, one of the early friends of the annexation of Texas; and when the Baltimore Convention decided to present the name of Mr. Polk, he cordially acquiesced in the result of their deliberations, and gave his support to the democratic nominees. At the same election, he aided, by

his vote and influence, in the elevation of Silas Wright to the office of governor; and though not then a resident of the state, he was in favor of his reelection, in 1846.

When it was ascertained that Mr. Polk had been elected to the presidential chair, the friends of Governor Marcy felt anxious that he should be placed in a position suited to his character and talents. Several weeks previous to the inauguration, in pursuance of the request of a majority of the democratic members of the New York legislature, and of the democratic representation from this state in Congress, the president elect tendered him the place of Secretary of War, which he promptly accepted. The Senate unanimously confirmed the nomination, and he entered upon the duties of the office soon after the inauguration of the new president.

A cabinet appointment is not often a position calculated materially to add to the reputation of the individual who holds it, even where the highest talents, and the very best qualifications for the office, are evinced. As the responsibility is divided among the members of the cabinet, or assumed by the president, so the honors are either shared among a number, or monopolized by the head of the administration. In ordinary times, Governor Marcy, whatever had been the ability displayed in the performance of his duties, might not have attracted any unusual degree of attention to his management of the affairs of the department intrusted to

his charge. But the war with Mexico rendered his position one of more than ordinary importance. His spirit and genius, his practical talents, his sagacity and foresight, and the natural adaptation of his mind to the duties of an executive office, were of great value to Mr. Polk's administration. During the progress of the war, as victory after victory perched on our banners, the remark was often made, that if Madison had been so fortunate as to secure such an adviser at the commencement of the second war with Great Britain, the disasters of 1812 and 1813 would never have been witnessed.

Indeed, the country is as much indebted to his ability as the head of the war department, as to the military skill of the commanders in the field, for the brilliant results of the contest with Mexico. In preparing and adopting the plans of the campaigns, in suggesting and directing movements and operations, in the selection of officers, in dispatching men and *materiél* to the different columns operating in the enemy's country, and in taking advantage of the tardy legislation or action of Congress, he demonstrated peculiar fitness for the station he filled, as well as comprehensiveness of mind, and force and energy of character. He was, in truth, as respected the conduct of the war in the American cabinet, its master-spirit; and the dispatches and instructions that emanated from his pen, bear witness to the deep interest which he took in its prosecution, and to the able and faithful manner in which he discharged his official functions.

In his intercourse with the officers of the army, he was frank, urbane, and courteous, yet never improperly surrendering his dignity. It was his fortune,—by no means an unusual occurrence, where generals at the head of armies are subordinate to executive authorities at home,—to be involved in controversies with the principal commanders, Generals Scott and Taylor, who conducted the operations against Mexico. Both those officers were political opponents of the administration, and both cherished ambitious aspirations, or if not that, were influenced more or less by confidential friends not entirely free from partisan feelings and prejudices. Governor Marcy at no time called in question their bravery and ability, but in all his reports, bore the highest testimony to their skillful and gallant conduct. Both officers, however, seem to have become impressed with the idea, that the administration desired to sacrifice them, in order to destroy their popularity,—overlooking the conclusive facts, showing the injustice of their suspicions, that the administration had voluntarily placed them in positions where laurels were to be gained, and, in the case of General Taylor, overlooked officers of superior rank; and that no misfortune could possibly have resulted to them, that would not have injured the administration in a tenfold degree.

Governor Marcy defended himself against the charges preferred by those officers, in their official communications, with great ability, and, as leading presses in the interest of both parties admitted, with entire suc-

cess. His replies were masterly documents, and so clear and conclusive, that no serious attempt was ever made by those officers or their friends to refute his statements and positions. His last letter to General Scott, dated on the 21st of April, 1848, was particularly able, and, as the following extract will show, pointed in its rebuke :—

“By extending my comments upon your letter,” said the Secretary in his reply, “I might multiply proofs to show that your accusations against the head of the war department are unjust; that your complaints are unfounded; that the designs imputed by you to the government to embarrass your operations, impair your rightful authority as commander, and to offer outrage and insult to your feelings, are all the mere creations of a distempered fancy; but to do more than I have done, would, in my judgment, be a work of supererogation.

“In conclusion, I may be permitted to say that, as one of the president’s advisers, I had a *full share* in the responsibility of the act which assigned you to the command of our armies in Mexico. I felt interested even more than naturally appertained to my official position, that success and glory should signalize your operations. It was my duty to bring to your aid the efficient coöperation of the war department. I never had a feeling that did not harmonize with a full and fair discharge of this duty. *I know it has been faithfully performed.* There are some men for whom

enough cannot be done to make them grateful, or even just, unless acts of subserviency and personal devotedness are superadded. From you I expected bare justice, but have been disappointed. I have found you my accuser. In my vindication I have endeavored to maintain a defensive line, and if I have gone beyond it at any time, it has been done to repel unprovoked aggression. To your fame I have endeavored to be just. I have been gratified with the many occasions I have had to bear public testimony to your abilities and signal services as a military commander in the field. It has been, and under any change in our personal relations, it will continue to be, my purpose to be liberal in my appreciation of your distinguished military merits. In respect to your errors and your faults, though I could not be blind, I regret that you have not permitted me to be silent.”*

Confidential relations were naturally established between President Polk and Governor Marcy, during the war with Mexico; and the latter exerted no small degree of influence in the councils of the administration affecting other questions and interests. He had a full share in the settlement of the Oregon boundary; he approved of the tariff of 1846, concurred in the general principles and views of Mr. Polk with regard to internal improvements by the general government, and advised a strict adherence to the old democratic

* Executive Document, No. 60—House of Representatives, 1st session, 30th Congress—p. 1227.

doctrine of non-interference with the slavery question in the states.

With the conservatives in New York, he supported General Cass for the presidency in 1848; yet, judging from his past course, and his political relations in former years, he could not have been otherwise than gratified at the reünion of the two factions formerly composing the democratic party of the state, in the summer and fall of 1850.

Upon the expiration of Mr. Polk's term, his cabinet resigned, and Mr. Marcy resumed his former residence at Albany, in the character of a private citizen. He is still in the enjoyment of sound health, and in the full vigor of his intellect. He has done the state some service; but whether she will again summon him to her councils, is among the as yet undeveloped events which the future can alone reveal. If such be his fortune, however, he will, no doubt, do honor to himself and to his adopted state; and there will be many friends to rejoice most sincerely in his success.

Governor Marcy has been twice married. His first wife was a Miss Newell, a descendant of one of the early settlers of Sturbridge; his second wife was a daughter of the late Benjamin Knowler, formerly treasurer of the state, and for a long time one of the most active and influential politicians belonging to the democratic party in the city of Albany.

As a private citizen, Governor Marcy has always been held in high esteem, for his good example in the

fulfilment of social duties and obligations, for his public spirit, and for his generous liberality. The Albany Academy, and the Albany Female Seminary, have been much indebted to him, for assistance as a patron, or counsel and advice as a trustee.

In person he is rather above the ordinary height; his frame is stout and muscular, but not gross. His forehead is bold and full; his eyebrows heavy; his eyes deep-set and expressive; and his mouth and chin firmly moulded. His appearance altogether, is calculated to impress a stranger favorably, both in respect to his talents and his character. His manners are affable and courteous; free from pretence, yet dignified. He possesses equanimity in a high degree, and a *bon-homie* as rare as it is captivating. His acquaintance is really an enjoyment, and society is indebted to just such men for its charms and attractions.

He is considered to be a strict party man, but frank and honorable in his political course. Just before the expiration of his last term as governor, and after his defeat, he was solicited to call a special session of the Senate, that the officers whose terms were about to expire might resign, and be reappointed; but he refused, to his honor, to comply with the request. He has the reputation of being a shrewd political tactician, and, probably, has never been surpassed in this respect, by any of the politicians of New York, except, it may be, Mr. Van Buren. Like him, while in public life, it seems to have ever been his policy to prevent the get-

ting up of state issues to interfere with the success of the democratic party of the nation. He is something of an optimist in politics, regarding everything as for the best, never disturbed by reverses, nor unduly elated by good fortune. He is well fitted, too, to rough it,—a desirable trait in a politician, for he has his dark days as well as his holidays, and he finds the roses strewn in his path often intermingled with thorns.

He is not a graceful speaker, though always interesting; nor fluent, except when fully prepared for the occasion. But as a writer, he ranks deservedly high. His style is strong, pure and perspicuous, and flowing with true Addisonian ease and elegance. His state papers are admirable compositions of their kind, and, like those of Clarendon and Bolingbroke, will be remembered for their intrinsic worth long after the subjects to which they relate have lost their importance.

His judgment of men and character rarely deceives him. He is a careful observer, cautious, prudent, and sagacious. His mind is practical; *ne quid nimis*—there is nothing too much; it is well-balanced, in nothing extraordinary, but in all respects above mediocrity,—not perfect, but complete.





WM . H . SEWARD .

Tenth Governor of New York.

Lith. F. Michelin 111 Nassau St.

WILLIAM H. SEWARD.

AN able writer, in a work recently published,* compares Daniel Webster, when resting after one of his thrilling bursts of eloquence, to Hercules leaning on his club. The name of the distinguished orator and politician at the head of this memoir, suggests a different picture,—that of the young Antinous, supporting himself gracefully upon the slender spear with which he has followed the chase. Webster wields the mighty battle-axe of Richard,—Seward, the light scimitar of Saladin. The one is a man of iron; the other, a man of soul. "Sympathy with his race, both with the mass and the individual, with the virtuous and for the degraded, with the happy and the unhappy, with the white man and the black; sympathy intense, unresting and universal, is the secret of Seward's character."†

The Seward family came originally from Wales, and settled at a very early period in the province of New Jersey. John Seward, the grandfather of the governor, was a prominent citizen, and a leading whig, at the opening of the great drama of the Revolution, and com-

* Magoun's Living Orators, p. 57.

† Mrs. Maury's Statesmen of America, p. 31.

manded a regiment of militia, in the colonial service, throughout the war. His son, Samuel S. Seward, the father of Governor Seward, was educated as a physician, and married Mary Jennings, the daughter of Isaac Jennings, who was of Irish extraction,—a circumstance that may have contributed, in no small degree, to excite in the bosom of his descendant that sincere and devoted attachment to the home of his maternal ancestors, to “the green valleys of Ireland,” to the great cause of Irish Emancipation, and to the men who have advocated and upheld it, or died in its defence, for which he has been long distinguished.

Just before the close of the eighteenth century, Dr. Seward removed with his family to Florida, in the town of Warwick, Orange county, New York. Having established himself there in practice, his business soon became lucrative, and his reputation widely extended. A goodly share of this world's wealth and honors fell to his lot. He was conspicuous for his public spirit and enterprise, for his kindness and liberality. He dispensed his charities with an open hand, and was a friend to religion, to improvement, to progress. He was a good scholar, passionately fond of reading and study, and a beneficent patron of institutions of learning. He was the founder of the Institute at Florida which bears his name, and to the close of his life was deeply interested in its prosperity. He held various offices of honor and trust, and was for several years the first judge of Orange county. Though eccentric in some of his notions, he

was a good citizen, and, whether in a public or private capacity, was honored and esteemed by his neighbors and friends. He lived to a good old age, and went down to his grave, in 1849, "like a sheaf of corn fully ripe."

WILLIAM H. SEWARD was born at the residence of his father, in Florida, on the 16th day of May, 1801. His boyhood passed away unenlivened by incidents of peculiar interest. A natural aptitude for learning, quickness of observation, and vivacity of temperament bordering upon enthusiasm, were the marked traits in his character. The scenes and associations clustering thick around his home in the Highlands—

"Those mountains, that like giants stand,
To sentinel enchanted land"—

imparted force, energy, and decision, to his mind; and the ancestral legends to which he listened, filled his bosom with high thoughts and hopes of patriotic emulation. He inherited his father's love of letters and philosophy, and imitating his example, resorted to the well-springs of science for information, and from the fountains of poesy, drank sweet inspiration. Superior talents were early developed, and Genius threw over him her robe, which, like the mantle of the prophet, gifted him with her spirit and power.

Possessing rare advantages, he appears to have improved them well and wisely. He received the usual academical education, in his native village, and at

Goshen, in the same county. Having fitted himself for an advanced standing in Union College, he entered that institution, in the fall of 1816, as a member of the Sophomore class.

He was at this time but a mere lad, yet he had formed habits of careful application. He was not so much a laborious, as he was an attentive student. He studied much, and read much. In the natural sciences he was well versed, but he made himself particularly familiar with the ancient and modern classics. Through the wide field of English literature he wandered in search of the true and the beautiful, and, culling the sweetest and the brightest flowers, garnered them safely for future years.

But something more is essential to the student, than the mere knowledge derived from books. The education of the mind, said Quintilian, is as necessary to its improvement, as is the cultivation of the ground to insure fertility.* The mind is properly educated and disciplined, only by means of thought. While this is wanting, it is like the block of marble, gross and senseless, waiting for the art and the genius of the sculptor to bring out the beauty and grace of the hidden Apollo. Without this, it is but a cold and inanimate rock, but with it, endowed with life, vigor, and activity, and, like the fabled statue in the East, uttering the glad *Salamat* of welcome, as it catches the inspiration that quickens

* Ut si animum dicas excolendum, similitudine utaris terræ, quæ neglecta sentes atque dumos, exculta fructus creat.—*Instit. lib. v., cap. xi.*

and informs it. True eloquence was never yet the handiwork of man,—

“For all a rhetorician’s rules,
Teach nothing but to name his tools.”

So of intellectual power, it is no mere device of human invention. Books are, indeed, useful in their way and place; yet they but serve to introduce the scholar to the great storehouse of Science. He must there choose for himself, and Thought is the good angel that will guide him aright.

Young Seward thought and read with his pen in hand, lest Memory should drop a single one of the jewels he had gathered on his literary pilgrimage. He maintained a high standing among the first members of his class, and, while he gained the esteem of his associates, secured the approbation of his instructors. In January, 1819, being then in the last year of his collegiate course, he withdrew from college for a year, both to recruit his health, and because his friends did not deem it advisable for him to graduate so young. Six months of his absence from the classic shades of his Alma Mater, were spent in the southern states; and the observations which he then made, may, not improbably, have given character to the sentiments of his manhood with reference to slavery, and, what he has expressively termed, “the indefensible law of Physical Force.”*

* Argument before the Supreme Court, in the case of *Van Zandt vs. Jones*.

Returning from the south, Mr. Seward spent six months in the study of the law at home. He then re-entered college, as a member of the class next his own, now in the senior year, and finally graduated at the annual commencement in 1820. Among his classmates during the last year of his course, and with whom he shared the highest honors of the institution, were William Kent, formerly circuit judge, Dr. Laurens P. Hickock, one of the professors in the Auburn Theological Seminary, Professor Tayler Lewis of the New York University, and Archibald L. Linn, a distinguished member of the bar at Schenectady, and a representative in the 27th Congress.

The attractions and the duties of an active professional and political career, have not rendered Mr. Seward unmindful of his obligations to the institution at which he received his education. In the welfare and prosperity of Union College he has ever interested himself, and has always felt rejoiced when circumstances have permitted him to appear "on the old familiar campus on commencement day." Nor, on the other hand, has he been forgotten by the beloved mother whose offspring are scattered all over the world, and yet are not so numerous as to o'ertax her love. His memory is still treasured in her halls, and the promise of his youth is remembered in connection with the fame which he has achieved. He has, also, brought the laurels he had won, and laid them at her feet, while he addressed words of counsel to those who filled the places

of himself and his associates, and, like them, were fitting for the world's high arena.

At the annual commencement in 1844, he delivered the address before the Phi Beta Kappa Society at Union College, of which he was a member.* His theme was "The Elements of Empire in America." It was well chosen, and the address, is marked by a chastened tone, and an elevation of sentiment, not of rare occurrence, nor yet always to be found, in his popular addresses. The following passages, taken from the conclusion, are among the most truly eloquent, though, perhaps, not the most striking specimens of his style :

"We engage the obedience of the citizen, by intrusting him with a constituent and equal part of that suffrage which keeps the entire machine of government in operation. The ballot is put into his hand as a weapon whereby he may peaceably guard against oppression, and redress it. We expect him, therefore, to acquiesce in the will of the majority, and we know that at least he will be overborne by it. This is, I think, a true exposition of the principles of universal suffrage. Our Declaration of Independence rejects altogether the theory that the Right of Suffrage is a trust to be conferred on some, and withheld from others, but asserts an absolute equality of natural and political right. The ancient Egyptians had less veneration for kings than is exhibited by the modern Europeans. The people of the Nile brought their sovereigns to solemn trial after death ; but the kings of Europe pass no political ordeal in life, or after death. We bring all our functionaries to periodical account, and the continuance of their power depends on their winning the popular verdict. If we gain no more by our system, we secure at least this, the maintenance of Law and Order by popular

* The address was repeated, the same year, before the Literary Society of Amherst College.

submission without force. What Great Britain has expended to support armies and navies in the last century would have been sufficient to purchase her Eastern dominions. True, turbulence has sometimes happened in populous cities, and more rarely even in agricultural districts. But what precious freedom has been enjoyed with these occasional disorders! The mere impressment of seamen and soldiers necessarily tolerated by every military people, annually produces more misery and wretchedness than have flowed from all the commotions and disorders which have happened in this republic. And what country has been so much exempted from turbulence? To argue the weakness of laws because human passions sometimes revolt against their restraints would be to plead for absolute despotism. Besides, is no time to be allowed us to perfect laws, and improve morals, in harmony with institutions so new and peculiar?

"But popular suffrage is not without other advantages. It secures generally an administration as wise and as beneficent at least, as any other people enjoys. Popular elections certainly and periodically recurring, are more effective in their influence upon magistrates than even the terrors of the scaffold would be. Look through the catalogue of Executive magistrates who have presided over the republic, and answer whether a succession of wiser and better men have ever swayed empire in ancient or modern times! We have combined a system of universal public instruction with universal suffrage. It seems to us that it would have been fortunate if the schoolmaster could always have preceded the democratic constitution. But that could not be. God hath not so willed, but hath willed generally the reverse. It must suffice, therefore, if knowledge can be made to follow suffrage fast enough to guaranty liberty and public order.

"Volumes, profound volumes, have been written by philosophic men, to prove the despotism of the popular majority—the despotism of the American majority. True, it is absolute. There must be power somewhere and somehow to compel obedience. But did ever the American majority issue *lettres de cachet* as did Louis XIV? Did it ever convict and immure citizens for conspiracy to obtain amendments of the constitution by right of petition and the elective franchise, as has

been done in Great Britain within the present year? The despotism of the majority! Why, the despot at least is changed often enough, and with it the oppression. The majority of yesterday is the minority of to-day. Yet, strange to say, this objection to our system is urged at the same time and in the same breath with railery against the supposed inconsistency of popular opinion, rendering all the policy of government capricious and vacillating.

"These great principles of popular government, or, in other words, of *Popular Freedom*, tend to save the State from civil commotion, and to develop its energies, and ought to be ranked among the forces which constitute our national strength.

"While we admit the general justice of European opinions of our attainments in Science and Literature, we must be allowed to insist that higher excellence will be reached, although the pretension is frequently derided. Certainly, American mind has made some progress since the long dispute concerning its capacity began. No critic now asks, 'Who sees an American book?' On the contrary, even in Europe he would probably be thought not a very enlightened statesman who had never studied an American Constitution, or read an American state paper; nor be a perfect scholar who had never read an American book; nor be a complete mechanic who was ignorant of all American inventions. I do not parade names. But it seems to me that there are speeches, histories, poems, and sermons, at least, which are not unworthy to be ranked with English classics. Moreover, if I do not err, the American press is beginning to be American, and is forming a mind and a character not altogether imitative of European standards, nor inferior to them. It must be so. Mind here is equal to mind elsewhere. Advantages of education are, or are certain to become, more universal. Do you not see that instead of leaving public instruction to the care of government, as has been done so unfortunately elsewhere, and engaging, at most, only one religious sect in its behalf, that here the people take the precious cause into their own care, and Presbyterian, and Episcopalian, and Baptist, and Methodist, and Trinitarian, and Unitarian, and Protestant, and Catholic, and Jew, and Gentile sects emulate each other in educating the people? Society here is as certain

to want intellectual aliment as elsewhere, as it consumes more already than is consumed elsewhere. If it be asked, why are we still inferior? The answer is obvious. Every community produces first what it most needs. Physical labor and effort in the organization of society have hitherto been most needed. Few deny that the Americans are becoming a commercial people. But it would be as pertinent to inquire why London excels New York in trade, as it is to inquire why that city is inferior to London in the cultivation of Science and the Arts.

"Religion is an indispensable agent in every society. But every religion except Christianity has been a fraud, practiced by the state on the consciences of the people, to induce blind obedience to civil authority, and often as blind hatred against other communities, and even mutual hatred between members of the same community, except in the United States. Christianity, although incidentally promoting good morals, has been generally made subservient to the same State policy. How has it been for the last two hundred years even in Britain? Among us, and for the first time since the reign of Constantine, Christianity has withdrawn from alliance with the civil power, and devoted herself exclusively and assiduously to her great office of teaching morality, virtue, and charity, and the hopes of immortality. Society is already exhibiting the fruits of these instructions; and here is to be illustrated, at least, that unity of the Christian church which has been an article in the creed of every sect, but apparently has been understood by none, an agreement of faith in the Redeemer of men—uniting all the believers in a common hope of salvation, and yet permitting all that diverseness of opinion and associations and forms of worship, that the exercise of individual judgment upon even the oracles of divine truth must ever produce. 'Righteousness exalteth a nation, but sin is a reproach to any people.' A religion, then, thus pure, charitable, and efficient, must have the first place among the elements of empire.

"The chief grace of nations and of men is moderation. It was this that elevated Washington above comparison with Alexander, with Cæsar, with Cromwell, with all men. It was moderation that made the reigns of Augustus and Hadrian golden ages of the Roman Empire, and that of Alfred the most beneficent in the history of Britain. What

shall impart moderation to individual and national character if it spring not from the elements of empire we have indicated? Soon the industrial spirit which now appears so mercenary will have diffused comforts and luxuries throughout society, and will be directed into channels of beneficence. Be it remembered, that though the passion of Avarice has its votaries in every society, masses are never mercenary, nor is avarice even general, except when want is prevalent. Abstractly, man is not avaricious. Want, or the dread of it, generates cupidity. Soon the schools we have founded, and the libraries we are establishing, will produce an elevation of motives. Conscious dignity may well belong to the American; for the American citizen 'is he to whom the highest has descended, and the lowest hath mounted up, who is the equal and kindly brother of all.' Equanimity ought to distinguish a people, who fear no danger from without, and dread no sedition. Morality, and virtue, and benevolence, must prevail where Religion is left free to her native and proper ministrations, else its preaching is vain, and our hope is also vain. If I be not deceived, I can discover all these influences already meliorating, elevating, and dignifying the character of the American people.

"We have thus examined the condition of the people, in which, as Patriots, it is our duty to labor. We cannot predict how soon, or how great, or even of what nature, will be the harvest; for who hath tabled the long seasons through which nations pass? And who can predict their crimes, and the just judgment of God? Nevertheless we may humbly hope that the further development of these 'powers and forces' of 'our estate,' with 'God's blessing upon our posterity,' may tend at least to correct the sentiments of mankind concerning what constitutes true National Greatness, the just end of Human Society; and that our example may in some measure lead to 'bring force under thought, animal courage under the spiritual,' Freedom above Ambition, and Humanity above Power.

"Gentlemen: These speculations may seem to you to be imbued with the spirit of optimism. But optimism is essential to philanthropy. You will be careful how you test political speculations more than Divine prophecies by evidences of their speedy fulfilment. If you can-

not discover the growth of the most vigorous plant but by noting its height at intervals, think not that a hasty survey will ascertain the progress of Human Society.

"The object of this discourse is not to minister to national pride, already perhaps too much inflated; but on an occasion when so many of those who have summoned me here are entering on the busy stages of life, it seems not unwise to direct their thoughts for an hour to the destinies of their country, and to show them that 'far superior to the mere objects of a grovelling ambition, and above all party and personal considerations,' these are interests worthy of constant and undying devotion. Scarcely do we assume our responsibilities as citizens, before we perceive that Society is agitated by two contending elements, which never combine—the spirit of Progress and the spirit of Conservatism. If we yield unresistingly to Progress, we hurry forward, reckless of the suggestions of Fear and of the counsels of Experience; and madly plunge our country into Anarchy, from whence there is no return but through the long, dark domain of despotism. If we surrender ourselves to Conservatism, we fear to advance, though urged forward by Humanity, and assured by Reason, that the way has all been carefully explored. We hold our country back from her onward course until she is crushed under institutions silently dilapidated by the ever-flowing current of Time. The impulsive spirit wins the young, the bold, and the generous. The retarding one, the timid, the experienced, and the sagacious. They magnify the danger of advance, while they do not conceive the impossibility of rest. To 'still the noise of the waves and the tumults of the people,' is an attribute of Almighty Power. Long opposition to popular impulses, which are irresistible, and fruitless efforts to enforce regularity of which human action is incapable, weary the impatient but well-meaning Conservative, and he retires in the midst of his country's improvement and prosperity, to complain of declining virtue and to forebode impending calamities. Let us remember that both agencies, antagonistical as they seem, are *one*; and they constitute the element of Social Improvement, regulated in its action by the universal law of reciprocating compensation. What seems the spirit of Progress, is the everlasting

inherent force of society, and the other is its rest, which is reaction. 'As even spiritual music is only obtained from discords set in unison, but for Evil there would be no Good; and Victory is possible only by Battle.'*

"Thus believing, let us not indulge the discouraging thought, however reverential, that our fathers were wiser or even better than we can be; or that other disheartening fear, that our children, or their children, will degenerate. Let us rather trust and hope in the Future. within whose veil Providence directs that every anchor shall be cast. Let us be assured that although the foundations of Empire are laid in our country, we may in some small degree at least shape the great superstructure; and that although the career of civilization is well begun, yet it shall end only with Time, and that even our feeble hands may somewhat regulate its velocity and guide its course.

"If such belief were less philosophical, I still would cling to it; for man with powers for beneficence, but without occasion for their exercise, would of all beings be most miserable. Let others choose a different course: as for me, if I must err, let me not droop in the gloomy shades of Despondency, but rather 'let me lose my way in the sunlit illusions of Affection, of Patriotism, and of Philanthropy.'"

After leaving college, Mr. Seward pursued the study of the law, in the city of New York, with John Anthon, well and widely known as one of the ablest and most sagacious counsellors in the chief commercial city of the state and union; and completed his term of clerkship with John Duer and Ogden Hoffman, who were then practicing the law at Goshen. Both those gentlemen have since risen to distinction: the former has been for many years one of the leading and most talented members of the New York bar, and now adorns the bench of the Superior Court, with his

* Carlyle.

learning, his virtues, and his integrity ; the latter has distinguished himself as a member of Congress, has been District Attorney of the southern district of New York, and has gained the highest honors of his profession as the reward of his skill and eloquence as an advocate.

For about six months previous to the expiration of his clerkship, Mr. Seward was associated in practice with his preceptor, Mr. Hoffman. He was duly admitted to the bar, at the October Term of the Supreme Court, in 1822, and shortly after made preparations to locate permanently in western New York. Having visited Auburn, then a small but thriving village, he was pleased with the situation and prospects of the town, and concluded to establish himself there. This has continued to be his place of residence, except for brief periods, up to the present time.

He commenced the practice of the law in Auburn, on the 1st day of January, 1823, without the assistance of influential friends, and with no patronage except the declining business of Elijah Miller, for some years previous a leading politician, and a prominent member of the bar in the county, who was then withdrawing from his profession, and whose daughter Mr. Seward afterward married. The dependence of the latter was upon himself,—upon his native energy of character, upon the rich intellectual endowments with which nature had gifted him, and upon a mind well instructed and a judgment well disciplined. With such advantages

and supports on which to rely, and thus fitted for the championship at the bar, he entered upon his professional career.

The profession of the law is an honorable one. Its study is calculated to strengthen and expand the mind ; and its practice, if pursued in the love of justice and of truth, will elevate the heart and fill it with noble aspirations. Its themes are as inspiring as those presented to the competitors in the Odeum during the festival of the Panathenæa ; and if, as a profound philosopher has intimated, the highest powers of oratory are called forth only in the defence of the right,* the advocate has the best of motives to arouse and stimulate his eloquence. Its honors and its triumphs are sufficient to satisfy any man's ambition ; and its rewards, when fairly earned, like the civic crown of Augustus, are the perpetual memorials of good and worthy deeds. Its temptations, indeed, are as seductive as the prizes which it offers are brilliant ; " the shining fruit," as the apples from the garden of the Hesperides, often allure the unwary ; but he whom virtue has panoplied, is proof against enticement, and, pressing boldly forward, is almost sure to win the bright coronal of fame.

Mr. Seward rose rapidly to eminence at the bar. At an age when most lawyers are dreaming of future success, he was reposing on his laurels. His competitors were men of high character and talents, but he soon equalled or outstripped them all. Ambitious to

* Bacon, De Aug. Sci., lib. vi., cap. iii.

excel, persevering and industrious, he proved a formidable antagonist when opposed to those who were far more experienced than himself. He was well grounded in the great fundamental principles of legal science, and ample preparation, both in thought and study, was given by him to every cause, before trial or argument. With fidelity to the interests of his clients, he united that honorable bearing which is so bright an ornament in the professional character. His rivalry was earnest, but high-minded ; striving zealously for superiority, but remembering that success, if sullied by dishonor, is worse than defeat.

In argumentative, pathetic, or declamatory eloquence, he was excelled by few of his contemporaries. In the trial of causes he was not unusually skilful ; but in swaying the minds and judgments of a jury, he had great success. His appeals in behalf of the wronged and oppressed, in defence of injured innocence, and in vindication of those who had been unjustly assailed, were eloquent and impassioned, and powerfully affected the sympathies and sensibilities of his hearers.

Until within a comparatively recent period, no particular attention has been paid, either in England or America, to the preservation of the best specimens of legislative and forensic eloquence. Mr. Pitt once said, that a speech of Bolingbroke was a greater desideratum than any of the lost treasures of ancient literature ; and we of a later age, might almost say the same of the gifted premier of England and his gifted sire,—for

their fame rests rather upon tradition than upon the fragments of speeches which have been handed down to us. We have most of the brilliant efforts of Curran and Erskine, but scarce anything of their distinguished rivals and compeers, of Buller or Eldon, of Ellenborough or Clare. History tells us of the effect produced by the eloquence of Otis, Adams, and Lee, but presents no examples that we may judge of its character. Parsons and Dexter, Hamilton, Burr, and Livingston, Harper and Pinkney, were long the ornaments of the American bar, yet their oratory is but little more than a memory.

The arguments and speeches of Mr. Seward at the bar, which have been preserved, are not numerous, and most of them are of recent date. One of his best efforts was made in the case of *The People against Freeman*, on behalf of the defendant, who was tried for murder at the Cayuga circuit, in July, 1846. The offence was apparently of a most aggravated character; the prisoner, who was a colored man, and had been a convict in the state prison, had slain nearly a whole family,—a Mr. Van Nest, his wife (who was *enceinte*), their young child, and the mother of Mrs. Van Nest; and, under such circumstances, it was, perhaps, but natural that popular prejudice should be exceedingly strong against the accused. It was thought by some that the prisoner was insane, and Mr. Seward became convinced, in his own mind, that this was really the case. He therefore volunteered to defend

him. The preliminary issue, as to the sanity of the prisoner, was first tried ; and the jury decided that he was sane enough to be tried, although they could not conscientiously say he was of sound mind. He was then tried on the indictment for murder, and the defence of insanity was again set up, but it proved ineffectual. The prisoner was convicted, in spite of the eloquent efforts of his counsel, yet in a few weeks he died, while still in confinement, a confirmed and undoubted lunatic. The following are extracts from the address of Mr. Seward to the jury, in summing up the evidence on the main trial :

"For William Freeman, as a murderer, I have no commission to speak. If he had silver and gold accumulated with the frugality of Croesus, and should pour it all at my feet, I would not stand an hour between him and the Avenger. But for the innocent, it is my right, my duty to speak. If this sea of blood was *innocently* shed, then it is my duty to stand beside him until his steps lose their hold upon the scaffold. * * *

"I plead not for a murderer. I have no inducement, no motive to do so. I have addressed my fellow-citizens in many various relations, when rewards of wealth and fame awaited me. I have been cheered on other occasions, by manifestations of popular approbation and sympathy ; and where there was no such encouragement, I had at least the gratitude of him whose cause I defended. But I speak now in the hearing of a People who have prejudged the prisoner, and condemned me for pleading in his behalf. He is a convict, a pauper, a negro, without intellect, sense, or emotion. My child, with an affectionate smile, disarms my care-worn face of its frown whenever I cross my threshold. The beggar in the street obliges me to give, because he says 'God bless you,' as I pass. My dog caresses me with fondness if I will but smile on him. My horse recognizes me when I fill his manger.' But

what reward, what gratitude, what sympathy and affection can I expect here? There the prisoner sits. Look at him. Look at the assemblage around you. Listen to their ill-suppressed censures and their excited fears, and tell me where among my neighbors or my fellow-men, where even in his heart, I can expect to find the sentiment, the thought, not to say of reward or of acknowledgment, but even of recognition. I sat here for two weeks during the preliminary trial. I stood here between the prisoner and the jury nine hours, and pleaded for the wretch that he was insane, and did not even know he was on trial: and when all was done, the jury thought, at least eleven of them thought, that I had been deceiving them, or was self-deceived. They read signs of intelligence in his idiotic smile, and of cunning and malice in his stolid insensibility. They rendered a verdict that he was sane enough to be tried—a contemptible compromise verdict in a capital case; and then they looked on, with what emotions God and they only know, upon his arraignment. The district attorney, speaking in his adder ear, bade him rise, and reading to him one indictment, asked him whether he wanted a trial; and the poor fool answered, No.—Have you Counsel? No.—And they went through the same mockery, the prisoner giving the same answers, until a third indictment was thundered in his ears; and he stood before the court, silent, motionless, and bewildered. Gentlemen, you may think of this evidence what you please, bring in what verdict you can; but I asseverate before Heaven and you, that, to the best of my knowledge and belief, the prisoner at the bar does not at this moment know why it is that my shadow falls on you instead of his own.

“I speak with all sincerity and earnestness; not because I expect my opinion to have weight, but I would disarm the injurious impression that I am speaking, merely as a lawyer speaks for his client. I am not the prisoner’s lawyer. I am, indeed, a volunteer in his behalf; but Society and Mankind have the deepest interests at stake. I am the lawyer for Society, for Mankind, shocked beyond the power of expression, at the scene I have witnessed here of trying a Maniac as a Malefactor. * * *

“The learned gentlemen who conduct this prosecution have attempted

to show that the prisoner attended the trial of Henry Wyatt, whom I defended against an indictment for murder, in this Court, in February last; that he listened to me on that occasion in regard to the impunity of crime, and that he went out a ripe and complete scholar. So far as these reflections affect me alone, they are unworthy of an answer. I pleaded for Wyatt then, as it was my right and my duty to do. Let the counsel for the people prove the words I spoke, before they charge me with Freeman's crimes. I am not unwilling those words should be recalled. I am not unwilling that any words I ever spoke in any responsible relation should be remembered. Since they will not recall those words, I will do so for them. They were words like those I speak now, demanding cautious and impartial justice; words appealing to the reason, to the consciences, to the humanity of my fellow-men; words calculated to make mankind know and love each other better, and adopt the benign principles of Christianity, instead of the long-cherished maxims of retaliation and revenge. Regardless as I have been of the unkind construction of my words and actions by my co-temporaries, I can say in all humility of spirit, that they are freely left to the ultimate, impartial consideration of mankind. You have now the fate of this lunatic in your hands. To him as to me, so far as we can judge, it is comparatively indifferent what be the issue. For aught that we can judge, the prisoner is unconscious of danger, and would be insensible to suffering, let it come when it might. A verdict can only hasten or retard, by a few months or years, the time when his bruised, diseased, wandering and benighted spirit, shall return to Him who sent it forth on its sad and dreary pilgrimage.

"The circumstances under which this trial closes are peculiar. I have seen capital cases where the parents, brothers, sisters, friends of the accused, surrounded him, eagerly hanging upon the lips of his advocate, and watching, in the countenances of the court and jury, every smile and frown which might seem to indicate his fate. But there is no such scene here. The prisoner, though in the greenness of youth, is withered, decayed, senseless, almost lifeless. He has no father here. The descendant of slaves, that father died a victim to the vices of a superior race. There is no mother here, for her child is stained and

polluted with the blood of mothers and of a sleeping infant; and he 'looks and laughs so that she cannot bear to look upon him.' There is no brother, or sister, or friend here. Popular rage against the accused has driven them hence, and scattered his kindred and people. On the other side I notice the aged and venerable parents of Van Nest and his surviving children, and all around are mourning and sympathizing friends. I know not at whose instance they have come. I dare not say they ought not to be here. But I must say to you that we live in a Christian and not in a savage state, and that the affliction which has fallen upon these mourners and us, was sent to teach them and us, mercy, and not retaliation; that although we may send this maniac to the scaffold, it will not recall to life the manly form of Van Nest, nor reanimate the exhausted frame of that aged matron, nor restore to life, and grace, and beauty, the murdered mother, nor call back the infant boy from the arms of his Savior. Such a verdict can do no good to the living, and carry no joy to the dead. If your judgment shall be swayed at all by sympathies so wrong, although so natural, you will find the saddest hour of your life to be that in which you will look down upon the grave of your victim, and 'mourn with compunctious sorrow,' that you should have done so great injustice to the 'poor handful of earth that will lie mouldering before you.'

"I have been long and tedious. I remember that it is the harvest moon, and that every hour is precious while you are detained from your yellow fields. But if you shall have bestowed patient attention throughout this deeply interesting investigation, and shall in the end have discharged your duties in the fear of God and in the love of truth, justly and independently, you will have laid up a store of blessed recollections for all your future days, imperishable and inexhaustible."

Mr. Seward has been more or less actively engaged in his professional pursuits, except while he was governor of the state, ever since he first commenced practice. During his residence at the seat of government, and in the intervals of relaxation from his executive duties,

he went back to the fountains of legal lore, and refreshed and reinvigorated his mind. Opportunities for study and reflection were afforded him, of which he carefully availed himself. In general literature he became still more of a proficient, and he added a great deal to his stock of professional learning. When, therefore, he returned to the bar, in 1842, he brought with him, not additional experience, but improved mental powers and capacity, that have sustained him, creditably and honorably, on occasions such as he had never before enjoyed for the display of his talents.

He now stands, confessedly, in the front rank of the members of the New York bar; and in the courts of the United States he has met the ablest lawyers in the Union. His learning and accomplishments have appeared in contrast, not unfavorably to him, in the Supreme Court at Washington, with those of Webster and Clay, of Jones and Sergeant and Crittenden. In his contests with such antagonists his intellectual energies have been severely taxed, but each new trial seems to have developed increased strength and power.

Of late years his time and attention have been taken up, in a considerable degree, by a number of important causes in the district and circuit courts, and in the Supreme Court of the United States, growing out of alleged infringements of patents for inventions. These he has managed with great ability, and generally with good success. At the Cayuga circuit, in February, 1846, he defended Henry Wyatt, who was charged

with the murder of a fellow-convict in the state prison at Auburn ; and in 1847, he argued the case of Jones against Van Zandt, before the Supreme Court of the United States, suit having been brought against his client, the defendant, to recover the penalty, under the act of 1793, for harboring and concealing a fugitive slave.

While Mr. Seward was a student at law, his political sympathies were with the republican party, and, as between the two factions, he was probably more friendly to the bucktails than to their opponents. The doctrines of which Jefferson, Madison, and Monroe had been the representatives, and which the Clintons, Tompkins, and Van Buren, had defended in the state of New York, were those which he was led, by his early associations, to espouse. Admiration of the personal character of DeWitt Clinton he always cherished, and after his removal to western New York, when he saw the practical results of the canal policy which the former had advocated, he was induced to adopt the views of that eminent citizen in regard to internal improvements, and they have ever since influenced his political course and conduct. With reference to the electoral law question in 1824, he also coincided with Mr. Clinton, and in that year he separated from the republican party of the state, then under the guidance of Mr. Van Buren, and became one of the most ardent supporters of his distinguished rival.

Opposition to the extension of slavery in the United

States beyond its original limits, and to the increase or strengthening of the slave power, have ever been cardinal doctrines in the political creed of Mr. Seward. His opinions on this subject were formed during the protracted controversy and agitation upon the admission of Missouri into the Union, and subsequent events, instead of modifying, have tended to confirm them. He then thought that the republicans of New York had manifested too much subserviency to what he considered Southern dictation, and, rejecting the idea that the republican party of the North was the natural ally of the South, he was not disposed to make further concessions. What had been already conceded, he was willing should remain undisturbed; but to yield more, he thought was both unwise and unnecessary.

For nearly a quarter of a century following the administration of the elder Adams, the executive power of the Union had been in the hands of persons residing in the slave-holding states,—republicans, indeed, of the strictest sect, but inclined, by education and association, to favor the section of the confederacy in which they had always resided, and its peculiar institutions. When, therefore, the time came for choosing a successor to Mr. Monroe, among the number of those who desired that a change should be made in this respect, was Mr. Seward. There were several candidates for the presidency brought forward by their respective friends in different sections, all of whom claimed to be republicans. The views and measures which John

Quincy Adams was understood to have advocated in the cabinet of Mr. Monroe, particularly as they favored a more liberal construction of the federal constitution than was generally tolerated in the old republican party, received the hearty approbation of Mr. Seward : this concurrence in sentiment was followed by admiration for the man, and when the chances and changes of political life threw them together, a warm attachment was formed, which did not terminate with the mortal existence of his friend, but still clings, undiminished in force and intensity, to his memory.

During the entire period that Mr. Adams served in the popular branch of the national legislature, subsequent to his retirement from the presidential chair, Mr. Seward regarded his course with mingled sentiments of love, admiration, and reverence. His boldness in opposing the extension of slavery, and in defending the right of petition and the freedom of speech, and the tenacity with which he adhered to his principles, established a common bond of sympathy that was never broken. Though they may have differed upon minor points of detail or expediency,—where great and important interests were at stake, affecting the relations of the non-slaveholding states, or concerning the rights and liberties of the citizen, whether bond or free, their aims and their sympathies pointed in the same direction.

In the summer of 1843, Mr. Adams visited Lebanon Springs, Saratoga, and Niagara Falls, by the Cham-

plain and Canada route ; and on his return to Massachusetts, he travelled through the state of New York, by railroad, from Buffalo to Albany. At all the principal towns and cities through which he passed, he was welcomed with high honors, and his journey became a continued ovation. Mr. Seward was selected by the citizens of Auburn, without distinction of party, to address the venerable sage and statesman on their behalf, —a duty which he discharged with his accustomed ability and eloquence.

A few years later, and all that was mortal of the younger Adams was laid beside his father in the burial-ground at Quincy. One of the first to do honor to the dead, and to lay his tribute of respect upon the grave of one whom all delighted to honor, was his political and personal friend, Mr. Seward. Shortly after the decease of Mr. Adams, in 1848, upon the invitation of the legislature of New York, the former pronounced an admirable eulogy before that body.* This is one of the happiest efforts of his genius, and, perhaps, may with justice be characterized as the best specimen of his style, so far as concerns his popular addresses. It is a labored effort, highly ornate, and, in some of its passages, may be called florid. Yet the author has entirely avoided that turgidity of manner and style to

* Mr. Seward also commenced the preparation of a popular memoir of Mr. Adams, but, on account of the pressure of his other engagements, he was unable to finish it. It was afterwards completed by a friend, and in that shape was published at Auburn.

which men of his enthusiastic temperament and acute sensibilities are inclined to be partial, and from which the productions of his pen cannot be said to be wholly exempt.

The whole eulogy is beautiful, impressive, and eloquent, but the crowning gem is the conclusion, in which he contrasts the career and death of Adams with the fate of Napoleon. The former, he said, devoted himself to the service of mankind, from motives of beneficence, and at every period of his varied and distinguished career was content—whether president, minister, representative, or citizen. He then continued :

“ Stricken in the midst of this service, in the very act of rising to debate, he fell into the arms of conscript fathers of the Republic. A long lethargy supervened and oppressed his senses. Nature rallied the wasting powers, on the verge of the grave, for a very brief period. But it was long enough for him. The rekindled eye showed that the re-collected mind was clear, calm, and vigorous. His weeping family, and his sorrowing compeers were there. He surveyed the scene and knew at once its fatal import. He had left no duty unperformed ; he had no wish unsatisfied ; no ambition unattained ; no regret, no sorrow, no fear, no remorse. He could not shake off the dews of death that gathered on his brow. He could not pierce the thick shades that rose up before him. But he knew that eternity lay close by the shores of time. He knew that his Redeemer lived. Eloquence, even in that hour, inspired him with his ancient sublimity of utterance. ‘ THIS,’ said the dying man, ‘ THIS IS THE END OF EARTH ;’—he paused for a moment, and then added,—‘ I AM CONTENT !’—Angels might well draw aside the curtains of the skies to look down on such a scene,—a scene that approximated even to that scene of unapproachable sublimity, not to be recalled without reverence, when, in mortal agony, One who spake as never man spake, said—‘ IT IS FINISHED !’

"Only two years after the birth of John Quincy Adams, there appeared on an island in the Mediterranean Sea, a human spirit newly born, endowed with equal genius, without the regulating qualities of justice and benevolence which Adams possessed in an eminent degree. A like career opened to both—born like Adams, a subject of a king—the child of more genial skies, like him, became in early life a patriot and a citizen of a new and great Republic. Like Adams he lent his service to the State in precocious youth, and in its hour of need, and won its confidence. But unlike Adams he could not wait the dull delays of slow and laborious, but sure advancement. He sought power by the hasty road that leads through fields of carnage, and he became, like Adams, a supreme magistrate, a Consul. But there were other Consuls. He was not content. He thrust them aside, and was Consul alone. Consular power was too short. He fought new battles, and was Consul for life. But power, confessedly derived from the people, must be exercised in obedience to their will, and must be resigned to them again, at least in death. He was not content. He desolated Europe afresh, subverted the Republic, imprisoned the patriarch who presided over Rome's comprehensive See, and obliged him to pour on his head the sacred oil that made the persons of kings divine, and their right to reign indefeasible. He was an Emperor. But he saw around him a mother, brothers, and sisters, not ennobled; whose humble state reminded him, and the world, that he was born a plebeian; and he had no heir to wait impatient for the Imperial Crown. He scourged the earth again, and again fortune smiled on him even in his wild extravagance. He bestowed kingdoms and principalities on his kindred—put away the devoted wife of his youthful days, and another, a daughter of Hapsburgh's imperial house, joyfully accepted his proud alliance. Offspring gladdened his anxious sight; a diadem was placed on its infant brow, and it received the homage of princes, even in its cradle. Now he was indeed a monarch—a legitimate monarch—a monarch by divine appointment—the first of an endless succession of monarchs. But there were other monarchs who held sway in the earth. He was not content. He would reign with his kindred alone. He gathered new and greater armies—from his own land—from subju-

gated lands. He called forth the young and brave—one from every household—from the Pyrenees to Zuyder Zee—from Jura to the ocean. He marshalled them into long and majestic columns, and went forth to seize that universal dominion, which seemed almost within his grasp. But ambition had tempted fortune too far. The nations of the earth resisted, repelled, pursued, surrounded him. The pageant was ended. The crown fell from his presumptuous head. The wife who had wedded him in his pride, forsook him when the hour of fear came upon him. His child was ravished from his sight. His kinsmen were degraded to their first estate, and he was no longer Emperor, nor Consul, nor General, nor even a citizen, but an exile and a prisoner, on a lonely island in the midst of the wild-Atlantic. Discontent attended him there. The wayward man fretted out a few long years of his yet unbroken manhood, looking off at the earliest dawn and in evening's latest twilight, towards that distant world that had only just eluded his grasp. His heart corroded. Death came, not unlooked for, though it came even then unwelcome. He was stretched on his bed within the fort which constituted his prison. A few fast and faithful friends stood around, with the guards who rejoiced that the hour of relief from long and wearisome watching was at hand. As his strength wasted away, delirium stirred up the brain from its long and inglorious inactivity. The pageant of ambition returned. He was again a Lieutenant, a General, a Consul, an Emperor of France. He filled again the throne of Charlemagne. His kindred pressed around him again, reinvested with the pompous pageantry of royalty. The daughter of the long line of kings again stood proudly by his side, and the sunny face of his child shone out from beneath the diadem that encircled its flowing locks. The marshals of the Empire awaited his command. The legions of the Old Guard were in the field, their scarred faces rejuvenated, and their ranks, thinned in many battles, replenished. Russia, Prussia, Austria, Denmark, and England, gathered their mighty hosts to give him battle. Once more he mounted his impatient charger, and rushed forth to conquest. He waved his sword aloft, and cried "TETE D'ARMEE!" The feverish vision broke—the mockery was ended. The silver cord

was loosed, and the warrior fell back upon his bed a lifeless corpse.
THIS WAS THE END OF EARTH. THE CORSICAN WAS NOT CONTENT.

"STATESMEN AND CITIZENS ! the contrast suggests its own impressive moral."

Mr. Seward supported Mr. Adams in the presidential contest of 1824, and approved of all the prominent measures of his administration. The policy which Mr. Adams and Mr. Clay advocated at Washington, found in him an able and zealous defender. He considered the Panamá Mission one of sympathy and encouragement to the South American states who had thrown off the yoke of their foreign rulers, and as such deserving the hearty approval of every sincere friend of liberty. He regarded the American system with favor ; and he became the warm advocate of a protective tariff, and of a liberal system of internal improvements to be conducted and carried on by the general government.

Among the Adams' men and Clintonians in the county of Cayuga, Mr. Seward was conspicuous, within a short time after he took up his residence at Auburn. Ardent in his attachments, talented, energetic, persevering and enthusiastic, he was a desirable accession to any party ; and in respect of position and influence, he soon stood in the foremost rank of his political friends and associates. They were in the minority, however, in the county, whose politics received their tone in a great degree from Mr. Throop ; and had he desired official honors and distinctions, it would have

been impossible to secure them except they were at the disposal of the state government.

At the request of his friends, he consented to become an applicant for the office of Surrogate, in the fall of 1827 ; and during the extra session of the legislature, he was nominated for that office by Governor Clinton. It was well understood, at this time, by the leading politicians in the state, that Mr. Clinton was decided in his opposition to Mr. Adams, and that he had determined to support General Jackson at the ensuing presidential election. Most of the nominations which he made were more or less influenced by this consideration ; yet he was by no means disposed to forget the friends who had stood by him so long and so faithfully in the crisis of his fortunes, even though they disagreed with him upon national questions.* Still, it does not appear that many regrets were ever expressed by him, or those whom he admitted to his confidence, because his nominations were so frequently rejected by the Bucktail majority in the Senate.

In 1827, a very large proportion of the members of the Senate were Bucktails, and most of them, too, were Jackson men, and thoroughly devoted to Mr. Van Buren. The appointment of Mr. Seward, whose partiality for Mr. Adams was never concealed, was op-

* In the eastern part of the state there were many Clintonian Jackson men, but there were very few in western New York ; and, in his nominations for that section of the state, Mr. Clinton was generally obliged to select Adams men.

posed by the friends of Mr. Van Buren and Mr. Throop in Cayuga county, and, consequently, the Senate refused to concur in the nomination. Governor Clinton made a second nomination, but this shared the same fate, and after his death, the acting governor, Mr. Pitcher, who was a Jackson man, conferred the office on John Porter, then and subsequently a prominent democrat in the county.

The canvass for the presidency, in 1828, commenced early in New York. The electors were, for the first time, to be chosen by the popular suffrage, and, therefore, a far deeper interest in the issue of the contest was manifested by the voters in the state. Among the young men belonging to both political parties, this feeling exhibited itself in a manner previously unknown. They held separate county and state conventions, and although they did not assume to make nominations, they indorsed those of their seniors, and adopted plans of action calculated to secure unity of effort, to arouse the energies of their respective parties, and to bring out their whole strength at the polls. The state convention of the young men attached to the national republican party was the first of the kind ever held in the state. It was a numerous assemblage, consisting of over four hundred delegates, and it remained several days in session.

Mr. Seward was a delegate from the county of Cayuga, and was chosen president of the convention. It was the object of himself and his associates to aid

in the reëlection of Mr. Adams, and to sustain Mr. Clay, whose political fortunes were then identified with those of the chief magistrate. They were unsuccessful, however ; the administration party was defeated, and Mr. Adams gave place to General Jackson. But the convention was not entirely futile or ineffectual. It called out from the quiet pursuits of agriculture, from the avocations of a professional or mercantile life, a large number of intelligent, energetic, and efficient young men ; it brought them into action ; it made them more intimately acquainted with each other, and quickened and aroused feelings of honorable emulation. They had youth, enthusiasm, and ambition. One failure did not dishearten them, but they continued to persevere till success crowned their exertions. Their influence was soon felt in the politics of the state and nation ; under their auspices, and in great part through their instrumentality, the whig party of the union was formed ; and at the expiration of a single decade, the youthful delegate who presided in this convention of young men, became the governor of New York.

It would scarcely be proper to say that Mr. Seward was an original antimason ; that is, he was not one of those who first attempted to make this a test question at the polls. Yet, as a member of the community, he felt outraged at the abduction and probable murder of Morgan, and he heartily sympathized with the antimasons in their efforts to put down an institution which he believed to be objectionable in its character and

dangerous in its tendency. His motives, it is claimed by his friends, were pure and patriotic, and his opinions were honestly entertained.

He made no concealment of his views with reference to the Morgan conspiracy and the masonic institution, and it was well known in 1828 that he was an antimason in sentiment, though he continued to act with the Adams party proper. The antimasons in the county of Cayuga supported a separate ticket at the fall election in that year, and Mr. Seward was nominated, in the first place, as their candidate for Congress. The nomination was entirely unsolicited on his part, and as he felt bound to support the candidates brought forward by his old political friends, he promptly declined it. He voted for the national republican ticket, being influenced in his course by general political considerations ; but, at the same time, he felt well assured that the candidates whom he supported coincided with him, in opinion, in regard to antimasonry.

After the defeat of Mr. Adams in 1828, the national republican party in the western counties of New York was virtually disbanded. Mr. Van Buren and his friends were now in power, and though they did not attempt to shield the abductors of Morgan from punishment, they refused to take ground as party men against the masonic institution. The national republicans, therefore, in western New York, who thought with Mr. Seward, naturally united with the antimasons.

From this period we may date Mr. Seward's con-

nection with the antimasonic party as a political organization. This party, at the beginning, was a powerful one, in numbers as well as in influence, in the section of the state where it may be said to have originated; and it presented in its leaders a strong array of names, then conspicuous in talents and position, and who afterward became distinguished in the politics of the country. Among them was Mr. Seward, and for his associates and coadjutors, he had such men as Millard Fillmore, who now fills the office of President of the United States, Francis Granger, William H. Maynard, Frederick Whittlesey, Bates Cooke, and Thurlow Weed.

Liberal accessions from both the two great parties swelled the antimasonic party to very respectable proportions. From the fact that the democrats were in power, and refused to adopt the measures which the former proposed for the complete overthrow of the masonic society, they were naturally led to sympathize with the Adams and Clay men, or the national republicans. Toward Mr. Adams, indeed, the antimasons were quite partial, but much less so toward Mr. Clay, because he was a mason. For several years, the opposition party in western New York, and in one or two of the eastern counties, was the antimasonic party; and in the other sections of the state the national republicans composed the opposition to the democratic national and state administrations. In some counties they occasionally acted in concert upon the local

tickets, and in 1830 they supported the same candidates for governor and lieutenant-governor. Mr. Seward favored the union of the national republicans and anti-masons at an early day, though this was never effected till 1832, when most of the national republicans who were adhering masons, or still attached in feeling to the institution, separated from their former friends and joined the Jackson party.

At the annual election in 1829, the national republicans and antimasons in western New York supported different candidates in many instances, and, consequently, were defeated where they would otherwise have been successful; but in 1830, they profited by the experience of the past, and united both upon the state ticket, and, generally, upon the local tickets. Mr. Seward was a delegate to the antimasonic state nominating convention of that year, from the county of Cayuga. He also received the nomination of his party for state Senator from the seventh district, comprising the counties of Onondaga, Cayuga, Seneca, Ontario, Wayne, and Yates. This honor was conferred upon him without solicitation on his part, and, indeed, without his knowledge, as he was absent from home at the time of the assembling of the senatorial convention.

The administration party presented a popular candidate, in the person of David McNeil of Ontario county; and it was evident that the success of Mr. Seward would depend wholly upon the union of the antima-

sons and national republicans in his support. In 1828, the district had given a majority of fifteen hundred for the Adams candidate, who received the votes of the antimasons; but in 1829, there were three tickets, and the democrats elected their Senator by three thousand majority over the highest of his opponents. In 1830, however, the national republicans in the district were almost entirely merged in the antimasonic party, and Mr. Seward received the united vote of the opposition. This secured his election, by a majority of two thousand over the democratic candidate.

Though Mr. Seward had received the support of the Adams and Clay men in his district, he was none the less an antimason. So far from this, he was, perhaps, too enthusiastic in the avowal of his opinions: it is in the nature of youth to be frank and ingenuous, and, oftentimes, to exhibit more of ardor and impulsiveness than the occasion properly demands. He was a delegate to the state antimasonic convention held at Albany in February, 1831, and was prominent in the discussions which formed no inconsiderable part of its proceedings; on this occasion he stated that, in his opinion, a mason was one and the same thing with an adhering mason, and that he was ready to pledge himself not to vote for an adhering mason. Such, no doubt, were the real sentiments of his heart, cherished in all sincerity, and his character as a politician affords the assurance that he would not have forgotten them at the polls.

While still in his thirtieth year, he took his seat in the New York Senate, at the commencement of the annual session of the legislature, in January, 1831. He found the administration party in a large majority in both houses, and in the Senate there were but very few of his own political faith. In point of talent, also, that body was highly respectable. Among its prominent members were Nathaniel P. Tallmadge, William H. Maynard, John W. Edmonds, Albert H. Tracy, Levi Beardsley, and Henry A. Foster : they were active and influential politicians, and highly distinguished themselves while in the Senate. Notwithstanding his youth and inexperience, Mr. Seward possessed abilities that were well adapted to a legislative career, and his knowledge of men and things had been materially improved by a tour in Europe, where he had compared the conservatism of the Old world, its matured statesmanship and its time-worn institutions, with the expanding energies, the new-formed systems, and the progressive-ism of the New. With his brilliant qualities, with a political tact and shrewdness beyond his years, with eloquence, enthusiasm, and ambition, he could scarcely fail of securing for himself an honorable position even among those of high talents and character.

His situation, perhaps, was peculiarly favorable for the display of his powers, and for acquiring popularity. To be in the front rank of a small minority may not always be an indication of talent ; but this was an ex-

citing period in politics, the administration party was represented in the state Senate by its most talented men, and had not Mr. Seward possessed first-rate abilities, he would have been unable to maintain himself and the interests of his party, in the manner he did, against such odds. With Mr. Maynard and Mr. Tracy, he bore the whole brunt of attack. They led the little opposition phalanx in the legislature, not, indeed, to victory ; but they kept its inharmonious elements together till they were thoroughly interfused, and a new party was formed from their combination.

A reference to the legislative history of the state, during the four years of Mr. Seward's service in the Senate, will show that he took an active and prominent part in all the debates, and that his course was guided by the same general views and principles with reference to questions of public policy, which have since governed his action as a politician. He supported the laws abolishing imprisonment for debt, ameliorating prison discipline, and establishing a separate penitentiary for female convicts. He also favored the extension of the internal improvement system of the state, and the enlargement of the foundations for educational and charitable purposes.

He was originally friendly to the construction of the Chenango canal, and supported the bill which passed the Senate in March, 1832. He voted, however, against the act of 1833, under which this work was finally commenced, as did most of the members of the

legislature from western New York, because a new feature had been added to it, to render it acceptable to Governor Marcy, providing that if the sum appropriated should not be sufficient to complete the canal, the deficiency should be made up out of the canal fund. This, as Mr. Seward and those who voted with him thought, was making the Erie and Champlain canals pay for the proposed work, and, therefore, unjust to the people living upon those great thoroughfares, who were then, in anticipation of the payment of the original canal debt, looking for a considerable reduction in the tolls.

Mr. Seward was one of the earliest friends of the New York and Erie railroad ; yet he opposed the bill authorizing a survey of the route by the state, not from any want of friendship for the project, but for the reason that it was a private enterprise, and he thought it should be sustained and conducted by private means.

In 1833, it was proposed to amend the state constitution so as to authorize the salt and auction duties to be transferred from the canal fund to the general fund. This diversion of the important revenues set apart for the payment of the Erie and Champlain canal debt, Mr. Seward earnestly opposed, yet he voted for a reduction of the duties.

While in the Senate, he advocated the principle of making the stockholders in commercial companies personally liable for company debts, but did not favor its extension to other stock associations. He opposed the increase of the salaries of the higher judicial officers in

the state, and through his instrumentality important modifications were made in the law respecting the jurisdiction of surrogates. To the safety fund law he was never friendly, and he voted for but few bank charters. He also opposed the loan law recommended by Governor Marcy, in 1834, and voted against it.

National questions of high importance were prominent topics of discussion, during the whole time he was a member of the Senate. Like most of the original Adams men who became antimasons, he approved of the course and policy of the opposition members of Congress. He believed a national bank to be both constitutional and necessary, and advocated the re-charter in 1832. Upon the resolutions of instruction which passed the legislature at that session, he made an able speech in favor of the bank. At the session of 1834, he again defended that institution, and condemned the removal of the deposits. One of his best speeches was delivered on this question. It occupied parts of two days, the 16th and 17th of January, and was decidedly the ablest, as it was the leading speech made on that side during the session.

When the nullification question came up, he cordially supported the measures of General Jackson. On the 16th of February, 1833, he spoke with great ability in defence of a series of resolutions introduced by himself, as a substitute for others less explicit, declaring that Congress ought to be governed by a strict construction of the powers intrusted to the general gov-

ernment ; and that the president, in his proclamation, had advanced the true principles, on which alone the constitution of the country could be maintained and defended. His resolutions were not substituted, and he then voted for those previously offered, which approved, generally, of the doctrines of the proclamation, and advised a reasonable and equitable modification of the tariff.

In the spring of 1832, Mr. Seward was supported by his political friends, as their most popular man, for supervisor of Auburn, but he was overborne by the strong administration majority in the town, though his competitor, a brother of Governor Throop, was elected by less than the average vote of the democratic ticket. A few years afterward, the administration party lost their influence in the town, in great part through the exertions of Mr. Seward, and a large majority of the voters have ever since identified themselves with his fortune and fame.

As a member of the Court of Errors he was not less conspicuous than in his character as a legislator. He took an important and responsible part in the deliberations of the court, and his opinions reflect the highest credit upon his learning and ability as a lawyer.

By the death of Mr. Maynard in 1832,—an event which may be said to have happened opportunely as respected the political fortunes of Mr. Seward,—the latter became the champion and leader of the antimasonic, or opposition party, in the legislature. Mr. Tracy

was still in the Senate, but he leaned over to the administration on several important measures, and his influence was naturally more limited than his unquestioned talents might otherwise have secured. The principal burden of defending the views and proceedings of his party friends, and of combatting the policy of the administration, devolved upon Mr. Seward. His task seemed as difficult, and sometimes as hopeless, too, as that of Sisyphus, but he acquitted himself well and manfully, and persevered in laying broad and deep that platform of opposition upon which the whig party afterward achieved its triumphs.

In 1832, Mr. Seward supported the coalition electoral ticket, but his preferences were well understood to be favorable to the election of Mr. Wirt, the antimasonic candidate, instead of Mr. Clay, though he would, doubtless, have rejoiced at the success of the latter over General-Jackson. It is very questionable, indeed, whether Mr. Clay was ever his first choice for the presidency, though he has supported him in good faith as the candidate of his party. In his speech on the removal of the deposits, in 1834, he said that Mr. Clay could never be his choice for president, much as he admired his talents and accomplishments. This remark was made, with more especial reference to the fact that that eminent statesman had been a mason, high in rank, and had never seceded from the order, though for many years not an active member; but it has never been recalled, and the course of Mr. Seward

would indicate that he has ever since entertained the same sentiments.

When the members of the masonic fraternity surrendered their charters, they gave up the contest against the antimasons, and there was nothing left for the latter to strive for. They found, too, that the principle of opposition to secret societies, which constituted the cardinal doctrine of their creed, could not be sustained. Antimasonry had accomplished its work in counteracting the dangerous tendencies of the masonic society, and its mission was now fulfilled.

A large number of masons and their friends had joined the democratic party, during the excitement on this question, but their political sympathies and affinities were with Mr. Clay and the national republicans of the Union, and as the financial policy of General Jackson began to be developed, they commenced returning to their first love. The veto of the bank and the removal of the deposits, furnished reasons and occasions for rejoining their old political friends, but this they were unwilling to do under the banner of political antimasonry.

Most of the leaders of the antimasonic organization, like Mr. Seward, were originally Adams' men, and it was easy for them to come to an understanding with the prominent national republicans in the state. A considerable proportion of the rank and file of the antimasonic party had been Bucktails, but the violence and animosity that characterized the struggles through

which they had passed, had bound them more closely together ; they had shared in danger and defeat ; and associations and attachments had been formed which proved stronger than the political prejudices that time had now softened down or removed. Their organization was perfect ; they moved and acted together as one man ; and they cheerfully followed their leaders when the union was effected with the national republicans. The coalition of 1832, however, was not entire nor complete, but it paved the way for a more perfect union in the winter of 1834. The two parties were then combined ; and in order to satisfy both, their former designations were dropped, and the new party assumed the name of "whigs."

In the formation of the whig party, Mr. Seward was one of the chief instruments, and by general consent a high place was accorded to him in the front rank of those who guided its movements and controlled its destinies. When the time came for presenting candidates for the gubernatorial election in 1834, some diversity of opinion was evinced in the whig ranks. Francis Granger and John C. Spencer had hitherto been regarded as the leaders of the opposition party in the state, but the successive defeats of the former, it was feared, would dampen the ardor of his political friends if his name should be again presented, and the impracticability of Mr. Spencer's temperament constituted, as many thought, an insuperable objection to his selection as the candidate for governor. A very

general desire, therefore, was expressed in favor of the adoption of a new candidate, and as the ability displayed by Mr. Seward at the legislative session of 1834 had attracted the general attention of his party, their preferences seemed finally to settle upon him. He was accordingly nominated at the whig state convention, and Silas M. Stilwell, of New York city, was selected for the second office.

Mr. Seward was still a very young man, being of the same age with Governor Tompkins when first elected to the chief magistracy of the state, and he had the warm and zealous sympathies of the young men of his party. His popularity was great, and in view of the dissatisfaction which prevailed on account of the removal of the deposits, and the temporary pressure in the money market, there were reasonable grounds for anticipating his success. But the interest of the state banks was now arrayed on the side of the administration, and their influence contributed a great deal to the defeat of the whigs. The vote of Mr. Seward was above the average of his ticket, but his opponent, Governor Marcy, was reëlected by nearly thirteen thousand majority.

At the close of his senatorial term, Mr. Seward devoted himself with still greater assiduity to the practice of his profession, and with a measure of success proportioned to his industry and abilities. He subsequently accepted an appointment as agent of the Holland Land Company, and took charge of their office at Westfield.

Difficulties having arisen between the Company and the occupants of the lands, he afterward purchased, in connection with other gentlemen, the outstanding claims in Chautauque county, and in this manner, and through his exertions, they were satisfactorily adjusted.

Mr. Van Buren and his friends maintained their ascendancy in the state till the fall of 1837, when the whigs for the first time secured a majority in the legislature. Mr. Seward had not been disheartened by one defeat, yet he had remained aloof from politics in the meantime, and had devoted himself to private pursuits. But with the accession of his party to power, it was but natural that his friends should look to him to aid them in preserving the advantage they had gained, and he soon became a prominent candidate for the gubernatorial nomination. Many of the older leaders of the whig party, particularly those who had been national republicans, desired that Mr. Granger, or some other person more friendly to Mr. Clay than Mr. Seward was supposed to be, should be nominated. But the young men were enthusiastic in their preferences of Mr. Seward, and their wishes proved irresistible. The whig state convention was held at Utica, on the 12th of September, 1838, and he was nominated as their candidate, by a large majority over Luther Bradish, then of Franklin county, who was afterward put in nomination, on the same ticket with him, for the office of lieutenant-governor.

The gubernatorial election in 1838 was a life and

death struggle with the democratic party. The whole immense patronage of the state depended on the issue, and there was great reason for the interest manifested by the democratic leaders in the result of the contest. To the whigs, also, the near prospect of success was a powerful inducement to exertion; they were well organized, and they omitted nothing that could insure success. Other causes, besides the political questions involved, may have contributed to swell the whig vote, but with the accession of the conservatives who had disapproved of Mr. Van Buren's project of an independent treasury, they became too powerful to be defeated. On behalf of Mr. Seward, too, the abolitionists exerted no inconsiderable degree of influence. He had from the first sympathized with their efforts, and cordially approved of the object they had in view, though he did not believe their course and policy, and their separate organization, were well calculated to secure it. He has always been of the opinion that the whig party was more favorable to the abolition of slavery, and more likely to promote it, than its opponents, and he has labored to give it a direction likely to accomplish that end. Hence, whenever he has been a candidate for the suffrages of the people, a large proportion of the abolition voters have given him their support.

More than three hundred and seventy-five thousand votes were cast for governor at the annual election in 1838. Governor Marcy was now a candidate for a fourth term, but he failed of a reelection, and Mr. Sew-

ard was chosen to succeed him by a majority of ten thousand four hundred. In the old antimasonic counties, in particular, the vote of the latter was very heavy.

"Ability of the highest kind," says an eminent Tory writer, "has been rarely, if ever, called to the direction of affairs in America, since the Democratic *régime* has been fully established by the general triumph of the popular over the Conservative party."* Not only does the character of the individuals who have filled the executive chair of the Union contradict this assertion, but the "direction of affairs" in the state governments has been repeatedly intrusted to men of great ability. This has been so often the case in New York, that cases of the opposite kind are merely exceptions to a general rule. On the occasion of which we are speaking, we have a striking confirmation of this fact. Both Governor Marcy and his opponent were men of the highest grade of intellect; and the former now surrendered an office which he had held for six years, to one who continued to fill it for two successive terms.

Mr. Seward entered upon the discharge of his executive duties under somewhat unfavorable circumstances. The whigs had the control of but two branches of the government—the democrats still retaining their majority in the Senate—but the former were, of course, held responsible, in the public estimation, for all acts, whether of omission or commission. Governor Seward was himself the object of jealous feelings on the

* Alison's History of Europe, Cap. lxxvi.

part of many of the old national republicans ; for while they were true conservatives, he was in favor of progressive measures, and of infusing a greater amount of democracy into the councils, the course and policy of his party. Applicants for office, too, were numerous, and not a few were ready to find fault with his bestowment of the official patronage. Yet, notwithstanding his inexperience, he exhibited great aptitude for the station he filled, and a blended firmness and dignity highly appropriate to the position.—

“ I saw young Harry,—with his beaver on,
His cuisses on his thighs, gallantly arm'd,—
Rise from the ground like feather'd Mercury,
And vaulted with such ease into his seat,
As if an angel dropp'd down from the clouds,
To turn and wind a fiery Pegasus,
And witch the world with noble horsemanship.”

In regard to matters of state policy, Governor Seward appears to have adopted the younger Clinton as his model, and to have followed very nearly in the footsteps of that distinguished statesman. His first message, delivered at the opening of the legislative session in 1839, was well written ; it was clear and perspicuous in its statements, and finished and elegant in its style. He recommended the creation of a board of public works, to consist of one member from each Senatè district. He also suggested various improvements and changes in the judiciary system of the state, and during his administration the first impetus was

given to the cause of legal reform, which ultimately secured the adoption of the present code. The charitable institutions, and the educational system of the state, were earnestly commended to the notice of the Legislature, and in all his subsequent messages these subjects occupied a prominent place. He also recommended that a monument should be erected in the city of Albany, in commemoration of the public services of De Witt Clinton, underneath which the ashes of that gentleman should be deposited; but there were too many Bucktails in the legislature, even among the political friends of the governor, to permit of a favorable consideration being given to the suggestion.

It had been the policy of the democratic leaders, in the management of the financial affairs of the state, and in conducting her works of internal improvement subsequent to the construction of the Erie and Champlain canals, to confine the annual expenditures to the surplus revenues; and this same policy was proposed to be continued, when it was determined to enlarge the Erie Canal. Influenced to a considerable extent by the efforts making in Maryland and Pennsylvania, by their splendid systems of railroads and canals, to secure the western trade, and to divert it from New York, the whig party adopted a different policy; and when they had effected a revolution in the politics of the state, they advocated the more speedy completion of the public works, assuming the ground that it would be both wise and judicious to pledge the credit of the state

for that purpose, but that the additional debt to be created should not exceed an amount, the interest on which, after providing for its ultimate discharge, could be paid out of the surplus revenues derived from the canal. This policy was supported with great earnestness by the whig majority in the assembly, in 1838; it also received the sanction of a number of the democratic Senators, sufficient, with the whigs, to constitute a majority in the Senate; and a law was passed authorizing a loan of four millions of dollars for the enlargement of the Erie Canal, which was approved by Governor Marcy.

Besides the Enlargement, there were two important lateral canals now in progress of construction, the Genesee Valley and the Black River Canals. To complete all these works, it was thought would require an outlay of from twelve to fifteen millions of dollars.

Governor Seward heartily approved of the change in the financial policy made in 1838, and in his first annual message before referred to, he advised the speedy enlargement of the Erie Canal, and recommended various other improvements by roads and canals, among which were three principal lines of railroad through the state, from east to west. In his opinion, the ability of the state to sustain the burden of a public debt could scarcely be over-estimated, in view of the new and abundant resources daily being developed. "History," says his message, "furnishes no parallel to the financial achievements of this state. It surrendered

its share in the national domain, and relinquished for the general welfare all the revenues of its foreign commerce, equal generally to two-thirds of the entire expenditure of the federal government. It has, nevertheless, sustained the expenses of its own administration, founded and endowed a broad system of education, charitable institutions for every class of the unfortunate, and a penitentiary establishment which is adopted as a model by civilized nations. It has increased four-fold the wealth of its citizens, and relieved them from direct taxation; and in addition to all this has carried forward a stupendous enterprise of improvement, all the while diminishing its debts, magnifying its credit, and augmenting its resources."

Under the auspices of Governor Seward and the party in power, the work on the Erie Canal enlargement and the Black River and Genesee Valley Canals, went on with far greater rapidity than before, and liberal loans were made to railroad companies to assist them in the enterprises they had undertaken. The experience of a single year convinced the governor that the impulse given to the internal improvement system was altogether too hearty, and required some wholesome check. In his annual message, therefore, in 1840, he urgently advised retrenchment in the state expenditures, and greater caution in the augmentation of the public debt. He still had great confidence, however, in the financial ability of the state, and continued firmly of the belief, that the immediate completion of

the works was demanded by a regard for her interest and welfare. His opinions underwent no change, when the democratic party regained the ascendancy, and the work on the canals was suspended by the law of 1842, at which time the canal debt of the state had been increased fourteen millions of dollars, over and above the loan of four millions authorized in 1838.

It was claimed by the political opponents of Governor Seward, that the canal policy pursued by himself and his friends was eminently disastrous, and as appearances certainly favored the ground which the former assumed, they were enabled to use the arguments thus afforded most effectively at the polls. But, on the other hand, it was insisted by the whigs, that "the speedy impulse" policy, as it was termed by the democrats, had not had a fair trial, and that, if left to work out its own redemption, like the spear of Achilles it would have cured the wounds it had inflicted. Under this policy the debt was increased to an amount exceeding the original estimates, and the works were not more than half finished. This was, apparently, a strong argument against it, but the whigs replied, that the actual cost of the works, it was ascertained; would be more than double the estimates. This was true. The estimates were shown to be erroneous in the first instance, and a considerable advance in the prices of labor and materials, together with the attempt to secure greater perfectness and completeness in the work, and, to some extent, perhaps, the inexperience of the whig

canal commissioners, increased the cost of almost every item of expense far beyond what was anticipated.

Great difficulty was experienced by the whig state administration, in 1840 and 1841, in raising money, and the public stocks depreciated considerably in their market value. Here, argued the democrats, their opponents were again vulnerable, for provision should have been made, at the outset, for the payment of all debts to be incurred; and had this been done, New York stock would have remained at or near par, and money could have been obtained otherwise than at rates which would have been ruinous to the credit of the state if her resources had not been so ample. To this it was said, that the market was glutted with the stocks of other states, and a depreciation was the natural result in which they all shared.

Which policy, whether that of the whigs or that of the democrats, was the best for the state, is still a disputed question among our politicians. The latter may have the advantage in pointing to actual experience, to the disasters and misfortunes of 1840 and 1841; but the whigs still insist, that their policy was never fairly tried, and they now point to the vast increase of the canal revenues, as an evidence of the ability of the state to sustain a larger public debt than they had ever contemplated.

During the first year of Governor Seward's administration, the public peace and tranquillity were disturbed by serious difficulties on the manor of Rennse-

laerwyck, growing out of the refusal of the tenants to pay the arrearages of rent which had been suffered to remain uncollected by the late patron, Stephen Van Rensselaer, but which were now demanded by his heirs. The tenants armed and disguised themselves as Indians, and offered such resistance to the civil officers, that the latter were obliged to call to their aid the military power. Disturbances of this kind had not been unknown in the history of the state, though of rare occurrence. Governor Seward manifested a disposition to uphold the supremacy of the law, yet, at the same time, he felt that the tenants had cause for complaint, and that these semi-feudal land tenures were totally inconsistent with the spirit and genius of our institutions. As the tenants, by the laws of the state, could not dispute the titles of their landlords, and were therefore remediless, if they thought themselves wronged, and the state refused to interfere on their behalf, except by making resistance to the execution of those laws, he was of the opinion that the difficulty ought to be regarded as a political one; and that, while the laws should be upheld, greater leniency ought to be exhibited toward the refractory tenants than toward other offenders. These reasons influenced him in all his action with reference to the anti-renters while he was governor of the state. In pursuance of his recommendation, commissioners were appointed in 1840 to mediate a settlement between the landlords and their tenants, but the terms which they presented were not

satisfactory to the parties, and the effort at mediation proved abortive. Meanwhile the excitement had died away, though it revived again, with greater intensity, under a subsequent administration.

It was the fortune of Governor Seward, also, to become involved in a controversy with the executive authorities of Virginia touching the extradition of fugitives from justice. In July, 1839, a requisition was made upon him by the Governor of Virginia for the delivery of three persons charged with having feloniously stolen a negro slave in that state.* With this requisition he declined to comply, "upon the grounds," as stated in his annual message in 1840, "that the right to demand, and the reciprocal obligation to surrender fugitives from justice, between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized as crimes by the universal laws of all civilized countries; that the object of the provision contained in the constitution of the United States, authorizing the demand and surrender of fugitives charged with treason, felony or other crimes, was to recognize and establish this principle of the law of nations in the mutual relations of the states as independent, equal, and sovereign communities; that the acts charged upon the persons demanded were not

* The proofs and papers, upon which this requisition was founded, were defective; but the technical objection was of small importance beside the constitutional question.

recognized as criminal by the laws of this state, or by the universal laws of all civilized countries ; and that, consequently, the case did not fall within the provision of the Constitution of the United States."

This controversy was protracted for two or three years, in the course of which a number of communications passed between the executives of the two states. Governor Seward defended his position, at all times, with a variety and force of argument, and an aptness of illustration, that produced respect for his talents, if not a conviction favorable to the soundness and correctness of his conclusions. The authorities of Virginia claimed, on the other hand, that a person who had committed an act in any state, which, by the laws of that state, was felony, and had fled to another state, ought, by the Constitution of the United States, to be surrendered on proper demand being made by the former state, whether or not the same act was punishable as a crime in the state to which the person had fled. The important question involved in the controversy was also discussed in the New York legislature, in 1841 ; the democratic members generally inclining to support Virginia in her position. In 1842, the subject was again brought forward, and a joint resolution was then adopted, for which all the democrats voted, with very few exceptions, declaring that stealing a slave, contrary to the laws of Virginia, was a crime within the meaning of the Constitution of the United States. Governor Seward, however, declined being the agent

of the Legislature in transmitting the resolution to the authorities of Virginia.

The Legislature of 1840 was whig in both its branches, and the whole power and patronage of the state were now vested in the whig administration. Besides advising and suggesting various reforms in the judiciary system of the state, and retrenchment in the expenditures, as before mentioned, in the annual message of that year, the governor urgently recommended that the common school law should be so amended as to permit adopted citizens to have their children educated by teachers speaking their own language and professing the same faith with them, and to share, in an equal proportion, in the public moneys appropriated by the state for school purposes. This recommendation had particular reference to the children of Roman Catholics in the city of New York, who were excluded from the public schools, because their parents and guardians were unwilling to send them where religious doctrines were taught, or inculcated, inconsistent with, or opposed to those which they entertained.

Immediately on the appearance of the governor's message, his views upon the school question were attacked with great vehemence by the clergy, and by many of the most influential laymen, belonging to the evangelical denominations in the city of New York; and they were defended with equal earnestness by those who were interested in procuring the amendments to the school-law as proposed. The feelings to

which the controversy gave rise finally extended to the country in some measure, though there was far less interest manifested there than in the city and its immediate vicinity. A number of leading whigs, both in the city and elsewhere, assumed a position of decided hostility to the governor upon this subject, and it was one of the causes which led to subsequent divisions in the party.

The plain and simple question at the bottom of the whole controversy was, whether a portion of the citizens of the state who contributed to the support of schools, by the payment of taxes, and whose children were numbered in the allotment of the public moneys, should be deprived of all participation in the common fund. They had conscientious scruples against sending their children to schools in which a different version of the Bible from their own was used and read ; and, in view of the paramount importance of educating all the rising generation, Governor Seward and those who concurred with him thought it would be a wise policy to permit them to establish separate schools if they thought proper, and give them a fair share of the public money.

A suggestion of this character, in a country where all creeds and all religions are tolerated, ought, certainly, not to have been regarded as a strange one. American Christians, no matter what may be their particular shades of belief, whether Papists or Churchmen, Baptists or Presbyterians, Methodists or Quakers,

all possess equal rights and should be permitted to enjoy equal privileges. But there is no bigotry like the bigotry of Sectarianism, and religious controversies and persecutions are the most bitter of all. Prejudice against Romanism is as deep-rooted here, as it was in the mother country during the times of "Bluff King Harry;" and our people are too prone, perhaps, to forget, that if Rome had her Borgias and her Leos, she had also her Pauls and her Gregories, her Xavier and her Pius,—and that the cruelty of the Inquisition differed only in degree from that of the Bloody Rump, while the horrors of St. Bartholomew were paralleled by the atrocities at Münster and Drogheda.

On the part of those who took issue with Governor Seward on the School question, it was said that he designed to exclude the Bible from the schools altogether. To their excited imaginations, the proposed amendment of the law was a sort of Titus Oates' plot, and the supremacy of the Pope was the great object had in view. For two years public opinion, thus controlled by unfounded fears and suspicions, operated so far upon the legislature as to prevent the adoption of the amendments recommended by the Governor. But, in his annual messages in 1841 and 1842, he again referred to the subject in most eloquent terms, and warmly urged the legislature to adopt his suggestions. In the latter year the law was finally amended, in pursuance of his recommendations, and he had the satisfaction

of signing and approving the bill which passed the legislature.

During the presidential canvass of 1839-40, he was an interested, though not an active spectator. He at first favored the nomination of General Scott as the whig candidate, in preference to Mr. Clay, but was highly gratified at the selection of General Harrison, and rejoiced most sincerely in his success.

Notwithstanding the jealousy, and at times the hostility, of some of the old national republicans who thought Governor Seward was too radical in his notions, and leaned too much toward the abolitionists and the anti-renters, as the refractory tenants on the manorial lands were called, he had the warm support of the great majority of his party, particularly in the strong whig counties at the west. It was but natural that he should desire to have his administration approved by the people, in which light a reelection might be considered, and the whig journals friendly to him advised that he should be nominated for a second term.

No opposition was made to his nomination in the whig state convention, and Lieutenant-Governor Bradish was again associated with him on the whig ticket. The opposing candidates were William C. Bouck and Daniel S. Dickinson. Both those gentlemen were warm friends of the internal improvement system, and both possessed a large share of popularity.

The excitement, the enthusiasm, that marked the great contest of 1840, will not soon be forgotten. In

the state of New York the election was conducted with a spirit and animation never before witnessed. Here, as in almost every state in the Union, the whigs achieved a signal triumph over their adversaries. The popular vote of the state was largely increased,—upward of four hundred and forty thousand votes being cast for governor. Governor Seward fell somewhat behind his ticket, on account of the opposition of the persons already alluded to, but he was reëlected by a majority of over five thousand.

Some of the most prominent incidents in the second term of his administration have been already anticipated. The improvement of the common school system, the completion of the public works, and the abolition of capital punishments, were among the principal recommendations contained in his annual messages in 1841 and 1842. In 1841, he refused to interfere in preventing the trial of Alexander McLeod by the state courts, for an alleged participation in the affair of the *Caroline* in 1839, although the seizure and burning of the vessel, and, of consequence, the killing of the persons found on board, were avowed by the government of Great Britain to be acts for which she was alone responsible, the persons concerned in the affair having acted under the orders of her officers, whom they were bound to obey.

The death of General Harrison, and the failure of Mr. Tyler to meet the expectations of the whig party, filled the cup of their misfortunes in this state to over-

flowing. Considering the large vote in 1840, their majority was comparatively small, and as the annual election in 1841 came on while they were disheartened and divided, it occasioned but little surprise when they were defeated, and the democrats restored to their ascendancy in both branches of the legislature.

Governor Seward's last annual message, at the commencement of the regular session in 1842, was one of the best papers that ever came from his pen. The credit of the state had become impaired, as he frankly admitted—six per cent. stocks having fallen twenty per cent. below par—but he attributed this depression to the failure of other states to meet their obligations, and thought it would be but temporary in its duration. The increasing business on the canals, however, afforded some gleams of sunshine, and he believed it to be the better policy to hasten the public works to completion, as fast as possible without increasing the public debt above an amount, the interest on which could be paid out of the current surplus revenues. It was at this time believed, that the proceeds of the sales of the public lands would be distributed among the states, and he therefore advised that the moneys received from this source should be pledged as a sinking fund for the payment of the principal of the public debt.

Different counsels, however, prevailed with the democratic majority in the legislature, and the action of all parties was influenced, to a great degree, by the banking and moneyed interests of the state, who were

directly concerned in raising the price of the public stocks, large amounts of which were in their hands. The law of 1842, which provided for the suspension of the public works, for the imposition of a direct tax, and for pledging a part of the canal revenues as a sinking fund for the extinguishment of the state debt, was accordingly passed, and in deference to the Legislature, though by no means approving of the measure, Governor Seward gave it his official approbation.

The election of 1841 was significant of disasters, and Governor Seward declined becoming a candidate for a third term. After the expiration of his period of service, he resumed his residence in Auburn, and the practice of his profession, which soon became both extensive and lucrative. Though no longer a candidate for the suffrages of the people, he could not so easily divest himself of his character as a politician. He heartily approved of the great measures of policy advocated and supported by the whig members of the 27th Congress. He approved of the tariff of 1842, and was opposed to the annexation of Texas and the war with Mexico. Upon the Oregon question he coincided with those whigs who voted for giving notice of the termination of the joint occupancy to Great Britain.

In the cause of Irish Emancipation he was deeply interested, and he was no indifferent observer of the popular revolutions which took place in Europe in 1848. His sympathies were with the oppressed and the persecuted, and his heart throbbed high with satis-

faction at every concession yielded by the advocates of monarchy, and every advantage gained by the friends of civil freedom.

He was not entirely satisfied with the position of Mr. Clay on the Texas question in 1844, but he gave him his cordial support, and, by the exertion of his personal influence, and by numerous speeches and addresses from the stump, rendered important services to his party, though unable to prevent their defeat.

Governor Seward was friendly to the project of calling a state convention to revise the constitution in 1846, and was well satisfied with the reforms thus secured, though he did not approve of all the financial provisions, and favored the extension of the right of suffrage to the colored population.

In 1848, he was one of the most active and influential supporters of General Taylor, though that lamented soldier was not originally his first choice for the presidency ; but he was understood to be favorable to the nomination of Judge McLean, of the Supreme Court of the United States.

Meanwhile the democratic party in New York had divided into two factions, and the whigs seemed inclined to follow their example, though no division had actually taken place. The old national republicans, strengthened considerably by accessions from the anti-masons, were what might be called conservative whigs, and Governor Seward and his friends were radical, or democratic whigs. The latter were much

the stronger of the two, and being attached to Governor Seward they were anxious to place him in a prominent position. Upon the legislature of 1849 devolved the duty of choosing a successor to John A. Dix, then one of the senators in Congress. The whigs were largely in the majority, and two thirds of the members belonging to that party were partial to Governor Seward. His name was proposed at the whig caucus to fill the vacancy in the Senate of the United States; he received the nomination by a vote of eighty-eight to forty-three for various other persons; and on the 6th of February he was duly elected to the office by the Legislature.

He took his seat in the Senate on the 5th of March, 1849, at the extra session called to consider the nominations of President Taylor. It being well known that his views upon the question of slavery, then widely agitated, did not exactly coincide with those of many of the southern whigs, and that he was in favor of the principles of the Wilmot Proviso, he declined being appointed on any committee, lest it might sometimes be assumed that he acted authoritatively on behalf of the administration. His influence with it was undoubtedly great, but he had no desire to embarrass it.

Preceded by a high reputation, Mr. Seward at once took a prominent position in the Senate. Since he has been a member of that body, he has spoken ably on several important questions, among which were our relations with Austria, the admission of California,

the slavery question and Mr. Clay's compromise measures, the admission of New Mexico, the giving of the public lands to actual settlers who were landless, and the claims for French spoliations prior to 1800. His ablest effort was made on the 11th of March, 1850.

To say of a speech, that it is able and eloquent, is, indeed, but a hackneyed phrase, often employed to express a mere conventional compliment, but not unfrequently applied with justice and propriety. The speech of Mr. Seward on the admission of California, and the Slavery Question so intimately connected with it, was characterized by real ability, great force of expression, earnestness and eloquence:—

"Four years ago," said he, "California, a Mexican Province, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbor, capacious and tranquil, which only statesmen then foresaw would be useful in the oriental commerce of a far distant, if not merely chimerical, future.

"A year ago, California was a mere military dependency of our own, and we were celebrating with unanimity and enthusiasm its acquisition, with its newly-discovered, but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements.

"To-day, California is a State, more populous than the least, and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself.

"No wonder if we are perplexed with ever-changing embarrassments! No wonder if we are appalled by ever-increasing responsibilities! No wonder if we are bewildered by the ever-augmenting magnitude and rapidity of national vicissitudes!

"SHALL CALIFORNIA BE RECEIVED? For myself, upon my individual judgment and conscience, I answer, Yes. For myself, as an instructed representative of one of the States, of that one even of the States which is soonest and longest to be pressed in commercial and political rivalry by the new Commonwealth, I answer, Yes. Let California come in. Every new State, whether she come from the East or from the West, every new State, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the west dies away into the rising east; California, which bounds at once the empire and the continent; California, the youthful queen of the Pacific, in her robes of freedom, gorgeously inlaid with gold—is doubly welcome."

After answering the objections urged by those senators who opposed the separate and unconditional admission of California,—that she presented herself unceremoniously, without the preliminary consent of Congress—that she had assigned her own boundaries—that her territory was too large—that no census had been taken, and that no laws prescribing the qualifications of suffrage existed before her convention was held—and that she had formed a state government and applied for admission, under executive influence,—Mr. Seward urged with much force that the case was one demanding prompt action; that if the application should be rejected, California would become indignant, and not improbably set up for herself as an independent state, and, perhaps, induce Oregon to go with her; and that, in consequence of the intervening wastes and deserts, and the numerous objections and obstacles to the employment of coercive means by the

federal government, it would be impossible or impracticable to compel her to remain in the Union against her will.

In regard to the collateral questions—the compromises as they were called—connected with the admission of California, not by the applicants themselves, but by the southern senators, or nearly all of them, and their friends, Mr. Seward avowed his opposition to them in every form and shape. He declared that the very name of compromise was hateful to him, and that it was never used in a good cause. Freedom, he thought, was too sacred a heritage to be bartered away,—to be either sacrificed or compromised.

“But it is insisted,” he remarked, “that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY !

“I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED. Because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are a usurpation as to future questions of the province of future legislators.

“Sir, it seems to me, as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a compromise has been effected, and my utterance forever is arrested upon all the great

questions, social, moral, and political, arising out of a subject so important, and as yet so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of the claim to perpetuate slavery in the District of Columbia; forbearance towards more stringent laws concerning the arrest of persons suspected of being slaves found in the free States; forbearance from the *Proviso* of freedom in the charters of new Territories. None of the plans of compromise offered demand less than two, and most of them insist on all of these conditions. The equivalent then is, some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of liberty, gold, and power, on the Pacific coast.

"This view of legislative compromises is not new. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action.

"It was of such compromises that Burke said, in one of the loftiest bursts of even his majestic parliamentary eloquence:

"Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times farther from them, as far as from pole to pole, be the whole tribe of spurious, affected, counterfeit, and hypocritical virtues! These are the things which are ten thousand times more at war with real virtue; these are the things which are ten thousand times more at war with real duty, than any vice known by its name and distinguished by its proper character.

"Far, far from us be that false and affected candor that is eternally in treaty with crime—that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is, to a just man's eye, an odious and disgusting thing. There is no middle point, my Lords, in which the Commons of Great Britain can meet tyranny and oppression."

"But, sir, if I could overcome my repugnance to compromises in general, I should object to this one on the ground of the *inequality* and *incongruity* of the interests to be compromised. Why, sir, according to the views I have submitted, California ought to come in, and must come in, whether slavery stands or falls in the District of Columbia; whether slavery stands or falls in New Mexico and Eastern California; and even whether slavery stands or falls in the slave States. California ought to come in, being a free State; and, under the circumstances of her conquest, her compact, her abandonment, her justifiable and necessary establishment of a Constitution, and the inevitable dismemberment of the empire consequent upon her rejection, I should have voted for her admission even if she had come as a slave State. California ought to come in, and must come in at all events. It is, then, an independent, a paramount question. What, then, are these questions arising out of slavery, thus interposed, but collateral questions? They are unnecessary and incongruous, and therefore false issues, not introduced designedly, indeed, to defeat that great policy, yet unavoidably tending to that end."

Mr. Seward then took up the compromise measures, *seriatim*, and explained and vindicated the reasons which induced him to oppose them against the proposition to alter the law concerning fugitives from service, which, when it took the form of a positive enactment, was known as "the fugitive slave law," he directed a great part of his argument, and pronounced the measure arbitrary, unjust, oppressive, and utterly inconsistent with the spirit and genius of our free institutions. In the course of his remarks, also, he avowed himself in favor of the abolition of slavery in the District of Columbia, intimating, however, his willingness to compensate the owners of the slaves.

He closed this part of his speech in the following terms:

"There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave State, is at least a ruling institution, and that this characteristic is recognized by the Constitution. But *slavery* is only *one* of many institutions there. Freedom is equally an institution there. Slavery is only a temporary, accidental, partial, and incongruous one. Freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter in common with all the free citizens of the State. But it is, moreover, an indispensable institution. You may separate slavery from South Carolina, and the State will still remain; but if you subvert freedom there, the State will cease to exist. But the principle of this compromise gives complete ascendancy in the slave State, and in the Constitution of the United States, to the subordinate, accidental, and incongruous institution over its paramount antagonist. To reduce this claim for slavery to an absurdity, it is only necessary to add that there are only two States in which slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

"But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old States. It is true, indeed, that the national domain is ours. It is true it was acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

"But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common

heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness."

He then examined the question, as to the power of Congress to legislate upon the subject of slavery in the territories, insisting, to the fullest extent, upon the existence of the power, and that it ought to be exerted. In regard to the threats of disunion which had been repeatedly heard in the capitol, he declared that he had no fears of the dissolution of the confederacy upon such grounds, and for such a cause.

"I have heard somewhat here," he said, "and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognize the claims of the State to which, by birth and gratitude, I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than two hundred miles of natural navigation connected with the ocean, has, by her own enterprise, secured to herself the commerce of the continent, and is steadily advancing to the command of the commerce of the world. But for all this I know only one country and one sovereign—the United States of America and the American People. And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak, he will speak when his time arrives. He knows no other country, and no other sovereign. He has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union. He knows as well and feels as strongly as I do that this Government is his own Government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only truly wise, just,

free, and equal Government that has ever existed ; that no other Government could be so wise, just, free, and equal ; and that it is safer and more beneficent than any which time or change could bring into its place.

" You may tell me, sir, that although this may be true, yet the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now ; and in this is my confidence. I would not rashly provoke the trial ; but I will not suffer a fear, which I have not, to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism ; but indulging no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications, and without compromise.

" For the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

" While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us ; and a voice comes forth from their serried ranks, saying, ' Waste your treasures and your armies, if you will ; raze your fortifications to the ground ; sink your navies into the sea ; transmit to us even a dishonored name, if you must ; but the soil you hold in trust for us—give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom ; let us all be free : let the reversion of your broad domain descend to us unincumbered, and free from the calamities and the sorrows of human bondage."

One of the sentiments advanced in the speech of Governor Seward on this great question, has been the subject of so many remarks on the part of the newspaper press, that it may be well to refer to it again. After stating, that, by the federal constitution, the domain was devoted to liberty,—thus indicating his belief that slavery could have no constitutional existence in California, in the absence of any positive enactment to support it,—he added, that there was “a higher law than the constitution which regulates our authority over the domain, and devotes it to the same noble purposes.” This remark has been tortured to mean, that, in the estimation of the speaker, there was a higher law than the constitution, which he felt bound to obey in preference to the latter; and that it was proper to resist the execution of all laws, even if constitutionally enacted, which, according to mere individual opinion, were inconsistent with that higher law.

Take away the context, the qualifying circumstances of this remark, and such a construction might not be unjust, but with them, it is clear that Governor Seward intended to convey no such idea. The sentiment which he advanced was this, and only this,—that upon the point to which he was alluding, the constitution and the higher law of God were in perfect harmony, that they were concurrent, and that each devoted the domain “to the same noble purposes.”

No doubt, he regards with very little favor the ex-

pediency doctrines of that school of political philosophers, who, like Paley, advocate a blind submission to civil authority. With Sir William Blackstone, with Burke and Brougham, he holds that the law of nature, "dictated by God himself," is superior in obligation to all our conventions and compacts, to all human codes and enactments. Yet no one reverences the constitution more highly than himself. That is the higher law of the good citizen, and if abuses are practiced under it, the remedies which it provides must first be exhausted, before disobedience becomes a virtue. Overt treason and moral treason are one and the same thing in principle. There is no distinction between active resistance and passive disobedience; that could satisfy the most jesuitical conscience. Obedience to the law is the correlative of protection under the law; and he who invokes the protecting care of his government, should obey her mandates. If she deliberately tolerates wrong and injustice, let him no longer be one of the governed.

In respect of argumentative power and ability, the speech of Mr. Seward on the French Spoliation bill, delivered on the 21st of January, 1851, will probably take precedence of most of his previous efforts. The subject was trite, and one would think it had been quite exhausted. But he seems to have invested it with fresh attractions, and to have brought forward many new facts and arguments, besides presenting

those that were familiar, in a light different from that in which they have heretofore been made to appear.

Since he has been in the Senate, he has also proposed the abolition of slavery in the District of Columbia, upon the condition, however, that just and ample compensation should be made to the owners of the slaves.

Several years ago the following picture of Mr. Seward was drawn by Mrs. Maury,—a friendly hand, indeed ; but who is more competent than a woman to describe the personal appearance of one of the opposite sex? “The address and manners of Governor Seward are very agreeable, though his voice is guttural and uncultivated, which possibly arises from an absence of all pleasure in music ; confessedly, he cannot distinguish a chant from a jig. His appearance is very youthful for forty-four [this was written in 1845] ; he is of fair complexion, and possesses one peculiarity of feature, which is to me of singular interest. In speaking or smiling, the upper lip has a slight nervous and tremulous motion, independent of its action in articulation. This peculiarity I have seen but twice before ; it is, of course, involuntary, is observed only in men, and is always accompanied by the most acute sensibilities.”*

In 1824 Mr. Seward married Frances Adeline, the daughter of Elijah Miller, an old resident of Auburn, in whose office he first commenced practice at that

* Statesmen of America, p. 82.

place, and who, in former years, was a prominent member of the bar and an influential politician in Cayuga county. He is the father of three sons, one of whom is now an officer in the army, and two daughters.

Of an ardent and enthusiastic temperament, of large sympathies, of a hopeful disposition, and possessing a liberal share of generosity and benevolence, he is esteemed by his friends for the warmth and sincerity of his attachments. In regard to his private relations, he enjoys an enviable reputation; and those who know him, in the county of his residence, of both political parties, will bear cheerful testimony to the purity of his life and the integrity of his character.

Nature has not been chary of her favors in the endowment of his intellect. She has given him both genius and talent, in a happy combination. He has quickness of apprehension, a ready wit, and a playful fancy. He has something of the "fine frenzy" of the poet, is imaginative and impressionable. His conceptions are vivid, and his will strong and decided. He has more boldness, however, than force,—greater determination than energy. He is probably better fitted to deal with generalities than details, yet he has nice discriminating faculties; and he is a close and able reasoner, though possessing more rhetorical than ratiocinative power.

Habits of intense application, of careful reflection, are characteristic of him; and his speeches, argu-

ments, and state papers indicate thoroughness and completeness of preparation. While engaged in the most active pursuits, he has devoted no inconsiderable portion of his time to reading and study. It was the opinion of Antony, that the reputation of an advocate was too brittle to indulge a love for philosophy;* but not even the claims of an exacting profession have prevented the gratification of his keen relish for literature. A lover of science, his mind is thoroughly imbued with the learning of the day. Such is the extent and variety of his information, that he is sometimes regarded as superficial; but his superficiality, which may be considered but another name for great general knowledge, is not of that kind, which, though beautiful as a poet's dream, is equally airy and unsubstantial, but rather that which, like the rich carving of the sculptor, adds strength and beauty to the column it adorns.

His rapid idealization, his oriental affluence, though not vagueness, of expression, and the Ciceronian flow of his language, proceeding not "from the heat of youth, or the vapors of wine," but from the exceeding fertility of his imagination, combine to render him an interesting speaker. Yet his enunciation is neither clear nor distinct, and the tones of his voice often grate harshly upon the ear. He is not devoid of grace, however; he is calm and dignified, but earnest.

Besides the speeches and addresses to which refer-

* Cicero, *De Oratore*, lib. ii.

ence has been made, he is the author of an "Address, delivered at the commencement of the Auburn and Owasco Canal," in October, 1835; of a "Discourse on Education," delivered at Westfield, in July, 1837; and of an "Oration on the Death of Daniel O'Connel," delivered in the city of New York, on the 22d of September, 1847. These have all been published, and are decidedly creditable productions.

His style is elegant, rather than neat; elaborate, rather than finished. It possesses a sparkling vivacity, but is somewhat deficient in energetic brevity. It is not always easy, for there is more labor than art; but if the wine has an agreeable *bouquet*, the connoisseur delights to have it linger. Like young D'Israeli, whose political position in some respects resembles his own, he has occasionally a tendency to verbose declamation, a natural predilection, perhaps, for Milesian floridness and hyperbole, and, like Napoleon, a love for gorgeous paradoxes. But, in general, his words are well chosen, and are frequently more eloquent than the ideas. His sentences are constructed with taste; they have often the brilliancy of Mirabeau, and the glowing fervor of Fox.

As a politician, he has evinced shrewdness, energy, and decision. He is tolerably familiar with the main springs of human action, is cautious and prudent, and possesses tact as well as talent. It might be presumed, from the character of his mind, that he would always be found in advance of his party upon questions of

reform. He is a democrat in his nature, and a friend to progress, for the sake of progress.

If we may judge from present appearances, his prospects for the future are fair and promising. He has hosts of warm and devoted friends in his native state, who will gladly put their shoulders to the car that bears him onward to fame. If he remembers the legend—"Be bold, and bold, and everywhere be bold, but not too bold"—it is not improbable, that his and their aspirations may be gratified. There is a good ambition, and a bad one, "which o'erleaps itself." Who would not rather be the conscientious Falkland, than the unprincipled Danton? who would not prefer the bright coronal of fame that encircles, like a halo, the memory of Heinrich Stilling or John Quincy Adams, to the false glory of Talleyrand or Metternich?





W . C . BOUCK.

Eleventh Governor of New York.

Lith. by Mitchell, W. Nassau St.

WILLIAM C. BOUCK.

To this individual must be accorded the high honor of being the first, and the only farmer governor of New York. All the other eminent men who have filled that distinguished station were educated to the law,—a profession, which, in our country, is nearly allied to politics,—and by their habits and associations were peculiarly fitted for discharging the duties appertaining to an executive office. Familiarity with the general principles of legal science, and experience in detecting the motives, and controlling the passions and prejudices of men, rendered it a comparatively easy task for them to execute and enforce the laws ; but he had only his native good sense, united, however, to a pretty accurate knowledge of human nature, upon which to rely. It speaks volumes in favor of the democratic equality of our institutions, and of his character and capacity, that he has occupied so many honorable positions, and sustained himself in them with so much credit. His career furnishes an instructive example, and his success affords encouragement, to those even less favored than he by the accessories of family and education.

One of the wisest acts of the administration of Robert Hunter, the English governor of the colony of New York from 1710 to 1719, was that of inducing the German Lutherans, who had escaped from the religious persecution in the Palatinate, to emigrate to America. Under the sanction and patronage of his royal mistress, Anne, Queen of England, about three thousand families of the Palatines followed him to this country when he came to assume the reins of government.

Much the larger portion of this body of immigrants settled in New Jersey and Pennsylvania. Another portion ascended the Hudson river, and founded the settlement at East Camp, in Columbia county. A still smaller division, consisting of forty or fifty families, crossed over the Helderbergs, in 1713, and established themselves in dorfs, or villages, in the charming valley of the Schoharie kill. By persons originally belonging to this colony, the rich alluvial flats along the Mohawk river were afterward settled.

The pioneers of the Schoharie district found the remnants of several Indian tribes scattered through the valley, upon the lands assigned to them by the English sovereign, who claimed to be the owners of the soil, and whose titles they were subsequently obliged to extinguish. They brought with them to their new home in the western wilderness,—not a large share of intelligence, for oppression had kept them in ignorance,—but wealth, industry, frugality, enterprise, a love of

civil and religious liberty, and a sternness, almost a harshness, of character, which had passed the ordeal of a severe persecution.

When they first looked down upon the valley of the Schoharie, from the summit of the Helderbergs, they were enchanted with the beauty of the scenery beneath them, and fancied the location they had chosen, to be a terrestrial paradise. They entered zealously upon the work of improvement, and so rapid was their progress, that in a comparatively brief period, the entire face of the country, in the vicinity of their settlements, was changed.

“ Wide the wood recedes,
And towns shoot up and fertile realms are tilled ;
The land is full of harvests and green meads.”

The virgin forests disappeared with the wigwams of the red men, and their places were supplied by substantial barns and dwellings, by overflowing granaries, and broad fields yielding an abundant recompense for the toil of the husbandman. During the Revolution, the store-houses of the patriot army were often filled with the produce of the Schoharie district ; and it was estimated by Washington, that in the expedition of the Tories and Indians into the valley, in 1780, at least eighty thousand bushels of grain were destroyed, which would otherwise have been lodged in his magazines.*

Among the first German immigrants that settled in

* Letter to the President of Congress, November 7, 1780.

the valley of the Schoharie, was the great-grandfather of the subject of this sketch. His son, William Bauch, or Bouck, was the first male child born in the valley, of white parents. In the year 1755, William Bouck, in connection with Jacob Frederic Lawyer and Nicholas York, patented from George III. about three thousand acres of land lying on both sides of the Schoharie river, or creek, and now embraced in the present towns of Fulton and Middleburgh. The share of Mr. Bouck in this tract was inherited by his three sons, Christian, John, and William, and at the present time it forms a part of the farm owned and occupied by his grandson, Governor Bouck.

William Bouck, the elder, did not escape the horrors, or the hardships of that protracted border warfare, in the course of which the fairest portions of Tryon county were so often made desolate. Again and again, the "*Christians and Savages*," under the leadership of Brant and Johnson, broke into the Schoharie valley; butchered its inhabitants, or left them houseless wanderers; levelled their granaries in the dust, and swept over their fields as with the besom of destruction. The buildings of Mr. Bouck, then an opulent farmer, were destroyed by a party of Indians; and he, with several members of his family, were made prisoners, but were afterward rescued in Delaware county.

His son, Christian Bouck, who was the father of the governor, entered the colonial service, and throughout his life exhibited the sturdy independence and patriot-

ism, the industry and perseverance, which he had inherited from his German ancestors. One of his most intimate friends and associates was Timothy Murphy, the brave partisan and skilful rifleman of Schoharie, whose famous exploits are still preserved in history and tradition. The friendship of Murphy for the father, descended to the son; and it is said that the latter owed his first election to the assembly, to the influence and zeal of his father's friend.

The maiden name of the mother of Governor Bouck, was Margaret Borst. She was descended from a German family, among the first settlers of the Schoharie district. She died at the early age of forty-four. Her husband survived till 1836, when he, too, was gathered to his fathers, in his eighty-third year, leaving behind him a name and character held in high respect by his neighbors and acquaintances.

WILLIAM C. BOUCK was born on the farm where he now resides, formerly occupied by his father and grandfather, in the present town of Fulton, Schoharie county, on the 7th day of January, 1786. He was educated a farmer, and has been more or less actively engaged in agricultural pursuits during his whole life. All the time and attention which could be spared from his public duties, have been devoted to the management of his farm. "Until I was twenty-two years of age," says he, in a letter to a friend, not intended for publication, "no common laborer on my father's farm did more work than myself, either in clearing land, or in

the harvest field. Often have I gone to the plough before daylight, and from it after dark."

His father possessed abundant means, and designed to give him a liberal education ; but his activity, enterprise, and industry, seemed to be needed upon the farm, and there was always something to be done that demanded his supervision. So, for one cause or another, the execution of his father's intentions was postponed, from time to time, till he had reached man's estate, and his presence was then required at home more than ever. His literary acquirements, therefore, did not extend beyond a common school education, obtained, for the most part, in accordance with the usual custom of that day, during the winter months, when there was a respite from labor upon the farm.

But he possessed an inquisitive mind, which, as if by instinct, like the bee gathering honey from every flower, made constant additions to its stores of information, by reading and observation. He remembered, also, the ancestral proverb:—" *Was man in der jugend wünscht, hat man in alter die fülle.*" This it was that inspired his efforts, and led him to encourage the ambition to gain for himself an honorable name in the world. His good judgment, his general intelligence, his acuteness, and his shrewdness of observation, were early noticed by his friends and acquaintances. "Many a word spoken in jest," says the historian of Schoharie county, "becomes prophetic. About the year 1820, an honest farmer living on Fox

creek held a conversation with a friend of ours, in which Mr. Bouck was mentioned. Of the latter gentleman, the former thus remarked: 'Depend upon it, that man will yet be governor of this state; for, instead of going round a hill, as other men do, to see what is on the opposite side, *he looks right through it.*' This casual remark was made at a time when his Excellency's intimate friends did not anticipate for him a seat in the gubernatorial chair of the state."*

Before he became a voter, he was deeply engaged in politics. He was an ardent and zealous adherent of Jefferson and Madison, and through life has been an undeviating republican and democrat. On all occasions, he has supported the party to which he belonged, its men and its measures, with zeal and efficiency; and it is probable that Schoharie county is more indebted to him for the steady uniformity of her political character, during the last forty years, than to any other individual.

Being extensively connected, and widely and favorably known, he was brought into public life at an early age. In the spring of 1807, being then twenty-one years of age, he was chosen clerk of his native town, and for the two following years was elected its supervisor. In 1811, he was nominated by the republican convention in his county for the office of sheriff, then filled by the appointment of the Governor and Coun-

* Simms' History of Schoharie County and Border Wars of New York, p. 627, (note.)

oil, but he declined accepting it. The next year, he was a delegate to the senatorial convention for the Western District, held at Onondaga, and took an active and influential part in its proceedings. In the same year, (1812) he concluded to accept the office of sheriff, in compliance with the wishes of his friends, and was duly appointed by Governor Tompkins and the republican Council. From this office he was removed by the federalists, when they obtained the power in the Council of appointment, in 1813, the first year of the war. Mr. Bouck had now become a leading politician in Schoharie; he was a firm and fast friend of Governor Tompkins, and a warm supporter of the war measures of the national and state administrations. His removal from office did not weaken or impair his influence, but rather added to it; for the inhabitants of the county were much attached to him,—they were almost like one family, and adhered to each other with something of a clannish spirit, in the better and original sense of that term.

Once fairly started upon the high-road of political preferment, his prospects brightened at every step, and success became more easy of achievement. His sagacious foresight, his prudence and discretion, served him in great stead; and his reputation for influence soon extended beyond the limits of his own county. Immediately after his removal from the office of sheriff, in the spring of 1813, he was elected a member of assembly by the republicans of Schoharie. He was

twice reëlected to the same position, in 1814 and 1815, and returned a fourth time, in 1817. In 1819 he was appointed colonel of the 18th regiment of infantry, "the duties of which office," says Mr. Simms, "he discharged with becoming dignity and skill."* At the April election in 1820, he was chosen one of the senators from the then Middle district of the state. He remained in the Senate till his term was ended, and his services dispensed with, under the new Constitution.

Very soon after he entered public life, he formed the acquaintance of Martin Van Buren, and became his intimate political friend. Under his lead, he supported Governor Tompkins to the close of his career; with him he opposed the administration of Mr. Clinton; and contributed most efficiently to the organization of the Bucktail party. He also opposed the administration of the younger Adams, aided in the elevation of General Jackson to the chief magistracy of the nation, and adhered to the fortunes of Mr. Van Buren till the end of his presidential term.

In the legislature Mr. Bouck was not distinguished as a debater. He was rarely seen upon the floor. But in the committee room, and in the private consultations of members, his practical good sense, his native talent, his judgment and discernment, were highly prized, and oftentimes were of great service to his constituents. To his party, his shrewdness and tact, his

* History of Schoharie, etc., p. 627.

prudence, and his address in the management of men, were invaluable.

It would, perhaps, be improper to class him among the original friends of the canal policy. He had not over much confidence in the soundness of Mr. Clinton's views on the subject of internal improvements ; he believed him to be both enthusiastic and visionary ; and, being a warm political opponent, he looked with disfavor upon his recommendations. But he was one of the first, among those who had doubted, to appreciate the immense advantages that would be derived from the construction of the Erie and Champlain canals ; and when it was proposed to pledge some of the most important revenues of the state, to secure, beyond question, the ultimate payment of the debt to be contracted, he gave the measure his cordial and hearty support.

By an act of the Legislature, passed in 1821, provision was made for the appointment of an additional canal commissioner. The character of Mr. Bouck for sagacity and ability, as a business man, now stood so high, that he was recommended for the new office, though not an applicant for it, by the people of the interior counties of the state, who thought they were entitled to a commissioner, without distinction of party. He was a rigid party man, however, and sought no appointment except through the instrumentality of his political friends. He received the unanimous nomination of the republican legislative caucus, after several

efforts had been made to unite upon one of the more prominent candidates ; and was afterward chosen to fill the office by the two branches of the Legislature, without a dissenting vote except that of one senator, Judge Rosecrantz, of Herkimer county, who did not object to Mr. Bouck personally, but he considered the appointment of an additional commissioner unnecessary.*

It was with unfeigned reluctance that Mr. Bouck accepted this office. The position was an honorable, but an arduous one,—full of responsibility, and environed with cares, perplexities, and embarrassments. It was anticipated that he would be assigned to the western section of the Erie Canal, the most difficult portions of which were yet to be constructed. He was not disposed, however, to put his hand to the plough and look back. The appointment was accepted ; the necessary bonds were given ; and shortly after the adjournment of the Legislature, he entered upon the performance of his official duties. He was assigned by his colleagues to the western section, as the successor of the late Myron Holley, and superintended the construction of the canal, from Brockport to its termination at Lake Erie, including the passage of the Mountain Ridge at Lockport, the most difficult part of the whole line.

* Mr. Hammond says that Judge Rosecrantz declared he would "*never vote for a bucktail*," (Political History, vol. i., p. 564 ;) but the above is the reason assigned for his vote, at the time, to the friends of Mr. Bouck.

“Who, at the west, who had cognizance of those times and their local events, does not remember how faithful and indefatigable he was in the discharge of his duties?—or, almost imagine that they can see him now, as they saw him in those primitive canal times, traversing the forest on horseback and on foot, from the log shanties of one contractor to those of another; sleeping and eating where emergency made it necessary, in quarters no matter how rude or humble; or in his room at the old ‘Cottage’ in Lockport, coolly and good-naturedly resisting the fierce importunities of the dissatisfied contractor; yielding to exigencies here and there, when public interest demanded it, or strenuous and unyielding when it did not; pressing on the difficult work upon the Mountain Ridge, amid great difficulties and embarrassments; persevering to the end, until he had seen the last barrier removed that prevented the flow of the waters of Lake Erie through their long artificial channel.”*

For much the greater part of the distance west of Rochester, the line of the Erie Canal, when first located, passed through a dense forest, that Mr. Bouck was obliged constantly to traverse, on horseback, in the discharge of his duties; often carrying with him large sums of money, which rendered his position by no means a desirable one. His monthly payments to contractors, during the season of active operations, averaged about one hundred thousand dollars, and were

* History of the Holland Purchase, p. 631.

made in the notes of the Albany banks, instead of drafts, or country funds ; the commissioners of the canal fund having made an arrangement with them, by which they obtained the necessary advances of money, on more favorable terms than they could have done elsewhere, upon the condition that their notes should be paid out by the canal commissioners on the line. This mode of disbursement, though beneficial to the state in a pecuniary point of view, imposed an additional burden of labor and responsibility upon the commissioners on the Western Section.

The work on this section was pressed to completion as rapidly as was possible, with the means placed at the disposal of Mr. Bouck ; but with all his energy and perseverance, it was not till the fall of 1825, that the barrier at the Mountain Ridge was finally overcome. This was the last obstacle, in the way of an uninterrupted communication between the Hudson and Lake Erie, to be removed ; and to it a very large share of his time and attention had been given. At length, on the 29th of September, he was able to announce to the president of the canal board, that the unfinished parts of the canal would be in readiness to admit the passage of boats on the 26th of October following. The work at the Ridge was completed on the evening of the 24th of October, when the guard gates were raised, and the filling of the level commenced. On the 25th, the entire canal from Albany to Buffalo was navigable ; and and on the following day, the packet-boat " William C.

Bouck," selected in compliment to the commissioner as the first boat to pass the locks at Lockport, ascended to the Lake Erie level, in company with a number of other boats, to meet the boats from Buffalo on board which were Governor Clinton and his suite.

Besides superintending the construction of the Western Section of the Erie Canal, Mr. Bouck was also selected by his associates to take charge of the work on the Cayuga and Seneca, the Crooked Lake, the Chemung, and the Chenango Canals. All these canals were constructed under his superintendence and supervision, in addition to the performance of other important duties, and in a manner that reflected the highest credit on his business tact and capacity.

His admirable fitness for the duty of overseeing the construction of public works, and his address in the management of contractors and laborers, were so well known and appreciated, that in the summer of 1833, the office of commissioner of the Utica and Schenectady railroad company was tendered to him, in order to secure his services in superintending the building of that road ; but he preferred to remain in his old position, and therefore declined it.

As early as 1833, he became convinced of the insufficiency of the Erie Canal to do the business of the great and growing west ; and that, unless measures were taken to enlarge its capacity, the constantly increasing trade of that section of the country would be obliged to seek some other avenue and out-

let. This conviction daily grew stronger, and it is understood that the first suggestions in regard to enlarging the canal emanated from him, and the chief engineer in his employ. Whether this be correct or not, it is quite certain that he has ever been the constant and unwavering advocate of the Erie Canal enlargement.

For nineteen years he was continued in the office of canal commissioner, having, during that long period, faithfully expended and accounted for upward of eight millions of dollars, and rendered extensive and important services to the state in the construction of her public works. By his persevering industry, and his devotion to the public interests, he obtained the confidence of the people in an eminent degree, and retained it to the last. When the whigs had secured a majority in both branches of the legislature, in 1840, it was proposed to remove him; but at the first caucus of the whig members, it is said, there were only eleven votes in favor of the proposition. A large number of his opponents desired to have him continued in office, on account of his great experience; but political considerations decided the question, and his removal took place at the session of the Legislature in that year.

While he had held the office, he had become extensively known to the citizens of all parts of the state. "The old white horse," as he was called, in allusion to a favorite animal which he had rode for many years,

was as familiar on the line of the canals, as was "old whitey" in the camp of General Taylor. Wherever he was known, too, he was respected ; and his removal was regretted, even by those who justified it upon party grounds. Public sentiment was so strongly manifested in his favor, and the sympathies of his party were so warmly aroused on account of his removal, that he was regarded as the prominent candidate for the gubernatorial nomination, long before the assembling of the democratic state convention in the fall of 1840.

Other gentlemen were voted for in the convention ; but Mr. Bouck received a majority on the first, or informal ballot, and was then unanimously nominated as the democratic candidate for governor. Daniel S. Dickinson, of Broome county, was at the same time selected as the candidate for lieutenant-governor. The election of 1840, it will be remembered, was conducted with unusual warmth and spirit. Mr. Bouck was highly popular with the friends of the canals, and not particularly obnoxious to the conservative opponents of Mr. Van Buren. Consequently, his vote was a large one,—exceeding that of the Van Buren electoral ticket, by upward of four thousand. His opponent, Governor Seward, who was then a candidate for re-election, also fell behind the whig electoral ticket about the same number of votes ; but he succeeded over Mr. Bouck, by a little over five thousand

majority, in a poll of four hundred and forty thousand votes.

The ancient difficulties and divisions in the democratic party growing out of the internal improvement system and the construction of the lateral canals, still continued to interfere with and to prevent its harmonious action. There were, in truth, two factions, the differences between which had been constantly growing wider since the administration of Governor Throop. The one, afterward known as conservative democrats or hunkers, were in favor of prosecuting the public works to completion, and of commencing others that promised eventually to be profitable, but not of increasing the debt of the state to a large amount. The other faction, subsequently called radicals or barnburners, were opposed to the construction of any work that would not pay for itself, and to any increase of the state debt ; and they thought that the canals should be charged with all the revenues, such as the salt and auction duties, originally set apart for their construction, and that this debt to the general fund, in which light they regarded it, ought to be paid before any other new liabilities for purposes of improvement were incurred. The conservative democrats, on the other hand, insisted, that these revenues had been very largely augmented by the construction of the canals, and that it would be unjust to charge them with moneys which they had thus indirectly earned for the state. Minor questions, and personal

considerations, no doubt, had their influence in promoting the division between the two factions ; but the main causes of difference, as respected measures, had reference to the canal and financial policy of the state.

At the head of the conservatives were Mr. Bouck, Mr. Croswell, the editor of the Albany Argus, Samuel Beardsley, Daniel S. Dickinson, Henry A. Foster, and Horatio Seymour. The radicals followed the lead of Samuel Young, Azariah C. Flagg, George P. Barker, and Michael Hoffman. Mr. Van Buren, ex-Governor Marcy, and Silas Wright, had not been much identified with state politics for a number of years ; but Governor Marcy was understood to sympathize with the conservatives in preference to the ultra policy of the radicals, and Mr. Van Buren and Mr. Wright were inclined to favor the latter.

There were, of course, various shades of opinion among the members of the two factions ; and many leading politicians were not disposed to take sides at all ; yet the division in opinion, marked as has been stated, really existed, though not made so apparent at this time as after the lapse of a few years.

While the whigs were in power, the canal debt was largely increased. The democrats took advantage of this ; and the radicals being more earnest than the other faction in condemning the policy of the opposition, when their party regained the ascendancy, they controlled its movements for a time. The democratic

state officers and canal commissioners elected in 1842 were mostly radicals, and that faction was considerably the stronger in the Legislature. For several years, the radicals had advocated the amendment of the constitution so as to require every law increasing the state debt, except for purposes of defence against invasion and in case of war, to be submitted to the electors for their approbation, to be indicated by their votes, before it should take effect. Resolutions of that purport were proposed in 1841 and 1842, but defeated by the whigs and ultra conservatives in the Legislature.

At the session of 1842, the subject of the state finances was discussed at length, and a law was enacted suspending the completion of the public works, imposing a direct tax, and pledging a portion of the canal revenues as a sinking fund for the payment of the existing debt. This law was a radical measure; it having originated with the Comptroller, Azariah C. Flagg. The act was entitled "an act to provide for paying the debt and preserving the credit of the state," but is commonly known as "the stop and tax law of 1842."

It was with very great reluctance that many of the leading conservative democrats gave their consent to the passage of this law, and they made every effort to procure such amendments as would enable the canal commissioners gradually to complete the unfinished works, where they were far advanced, without any

suspension as to them. Governor Bouck himself was not friendly to the suspension, but was in favor of sending an agent to Holland to negotiate a loan. This was his individual opinion as to the proper course to be pursued, but he soon found that a large majority, even of the conservative democrats, were disposed to support the "stop and tax" policy cordially and in good faith, whereupon he ceased his opposition to the bill.

Ever since his defeat in 1840, Governor Bouck had been the prominent candidate for the next gubernatorial nomination. In the winter and spring of 1842, however, a number of the prominent radicals took pretty strong ground against him, yet they were unable to secure a majority of the delegates to the democratic state convention who were opposed to his nomination. The convention assembled at Syracuse on the 7th of October, 1842. At a private and informal meeting of the delegates, it was ascertained that Mr. Bouck was the first choice of a large majority, and he was accordingly nominated, unanimously, in the convention, with Mr. Dickinson as the candidate for lieutenant-governor. Resolutions were also adopted, pledging the party, and, of course, its candidates, to the financial policy of 1842. This seemed to satisfy the radicals, and they united with apparent heartiness in the support of the nominations.

The opponents of Mr. Bouck and Mr. Dickinson were Luther Bradish and Gabriel Furman. Both

were gentlemen of high standing in the whig party, and they were sustained with a good degree of enthusiasm. But the tide had turned; the internal improvement and financial policy of the whigs was not popular with the people; and the ascendancy of the democratic party in the state was completed by the election of their candidates for governor and lieutenant-governor, by about twenty-two thousand majority.

On the 1st day of January, 1843, Mr. Bouck took the oath of office as governor of the state. Notwithstanding the united efforts of the democratic party had placed him in the gubernatorial chair, it was evident that a collision would soon take place between the two factions, and the ultra leaders, on both sides, were not at all backward in expressing their desire to have it take place. At the democratic legislative caucus in 1842, called for the selection of state officers, the nomination of Samuel Beardsley, a prominent conservative democrat, to the office of attorney-general, which he had held when his party lost the political control of the state, was opposed and defeated by the radical friends of Mr. Young and Mr. Flagg.* This was an indication of the spirit existing on one side; and on the other, there was a similar feeling exhibited, to take care of their friends and to put down their opponents, whenever they had the power to do so.

* The radicals justified their opposition to Mr. Beardsley, upon the ground that his friends had endeavored to prevent the reelection of Silas Wright as a Senator in Congress, in the winter of 1837.

Sometime previous to the assembling of the Legislature in January, 1843, various suggestions were thrown out in the democratic journals belonging to the radical interest, as to who should, and who should not, be the advisers of Governor Bouck. His position, therefore, was one of great delicacy : at the very threshold of his administration, he encountered difficulties and embarrassments of the greatest character ; and their disturbing influence was felt from its beginning to its close. Like most men in his situation, he seems to have been impressed with the idea that he could conciliate and harmonize the conflicting elements, and at the same time make the support of his administration the test of party fidelity. This was his mistake,—the great defect in his policy. If he had discountenanced the idea of any divisions in the party, or the existence of any unfriendly feelings towards himself or his administration, it is very doubtful whether efforts at conciliation, under such circumstances, would have succeeded. But as the support of his administration and its measures was exacted, he should have made no compromise with those democrats who opposed it, but entirely excluded them from his selections for official appointments.

Being the first democratic executive, after a whig administration of four years, he was called upon to exercise the appointing power to a greater extent than any one of his predecessors, with the exception of Governor Yates. It was impossible for him to avoid

incurring the hostility of those who were disappointed, though it appears to have been his desire to give general satisfaction. Yet, instead of strengthening himself by his appointments, he was almost always governed by the recommendations of county conventions, or by the wishes of the democratic members of the legislature from the respective counties. Where he was left free to act in accordance with his own preferences, he usually made his selections, especially for important offices, from among the conservative democrats. Toward the latter part of his administration, he pursued this course more generally than he had before done; but it was then too late to bring the whole appointing power to bear in his favor.

His course in regard to appointments, taking the entire period of his administration together, may be said to have been as conciliatory and impartial as could well have been expected, although he evinced but little tact in strengthening himself. The radical state officers, on the other hand, pursued a different policy. They had the control of the canal board, though with much less patronage; yet they made all their appointments from their own particular friends, and ultimately carried a large portion, perhaps a majority, of the democratic party with them, in opposition to the administration of Governor Bouck.

A *quasi* feeling of hostility to the governor was manifested on the part of the state officers, at the very outset of his administration. Ever since the adoption

of the constitution of 1821, it had been the invariable custom of the democratic governors to draft their messages, and then to submit them to more or less of the state officers, or to their immediate confidential friends and advisers. This was always done at the residence of the governor, or at the executive chamber. On these occasions the messages were read over carefully, and freely criticized; new suggestions were offered, and corrections and alterations were often made. Governor Bouck did not depart from this practice. He wrote out his first message himself; and, after submitting it to a few confidential friends, as his predecessors had frequently done, he invited the state officers to the usual reading and discussion of the message. They had declined meeting the governor at his residence, or at the Executive Chamber, but required him to meet them at the state hall. He complied with their wishes; the message was read over in their presence, but no alterations were made or suggested by either of them. Some of the radical presses afterward criticized it with some severity. For this reason probably, the second message, delivered to the legislature in January, 1844, was not submitted to a similar ordeal. The breach between the governor and the state officers had then become marked and decided, and neither party seemed desirous of consulting with or advising the other.

Immediately after the organization of the Legislature in 1843, a warm contest sprung up with reference to

the election of a state printer in the place of Thurlow Weed, the editor of the Albany Evening Journal, and the incumbent of the office during the administration of Governor Seward. The radicals were exceedingly anxious to prevent the election of Mr. Croswell, of the Albany Argus, but they entirely failed in their efforts to defeat him. He was again chosen to the office he had formerly held, and his opponents then rallied around the Albany Evening Atlas, a paper recently established at the capital, and for several years afterward edited and published by James M. French and William Cassidy. A bitter editorial warfare was now carried on between the Argus and Atlas; the democratic papers throughout the state, with here and there an exception that endeavored to remain neutral, ranged themselves on one side or the other; and the line of division between the two factions daily grew broader, while the whigs did all in their power to widen the breach.

From this time forward there was an entire want of harmony among the democratic members of the Legislature. The radicals united with the whigs to defeat the nominations of Governor Bouck where they were objectionable to them; and at the close of the legislative session in the spring of 1844, a number of the more ultra radicals refused to sign the customary proceedings of the party caucus, because resolutions had been adopted approving of the course of the governor and lieutenant-governor.

Upon national politics, and in regard to many questions of state policy, the two factions were pretty well agreed. In respect of all great measures, too, the administration of Governor Bouck was essentially democratic. In former years, the subject of the state finances and the canal policy had occasioned considerable difficulty and disagreement in the democratic party, but this was nearly put to rest by the law of 1842. Governor Bouck himself, whatever may have been his private opinions, does not appear, at any time, to have exerted the influence of his office to produce a change in the policy established by that law. In his annual message in 1843, he recommended the subject of internal improvements by roads and canals to the Legislature, but expressed his approbation of the law of 1842, and cautioned them against increasing the state debt unwisely, or authorizing extravagant expenditures or ill-advised undertakings. In the message of 1844, he avowed similar sentiments; and, while declaring himself friendly to objects of internal improvement, he laid down this principle,—that “a debt, for the purposes of internal improvement, should not be extended beyond the ability of those improvements to meet the interest, and ultimately redeem the principal.”

Some of the conservative friends of the governor, however, were in favor of modifying the law of 1842, so as to permit the early completion of the unfinished

works, and made repeated efforts to accomplish that object in 1843 and 1844.* But they were not sustained by a majority even of those who belonged to the same faction with themselves, and, of course, failed in every attempt. This did not satisfy the radicals; and they were desirous of putting the matter entirely beyond the control of the Legislature. For this purpose, their proposition to amend the constitution was again brought forward in 1843, but was defeated by the votes of the whigs and conservative democrats. The principle of this amendment proved to be popular with the tax-payers of the state, and at most of the democratic county and senatorial conventions, in the fall of 1843, it was warmly approved. In deference to this expression of his party, Governor Bouck recommended, in his annual message in 1844, that some constitutional checks should be adopted against the creation of a debt; that the Legislature should be deprived of the power to make loans to corporations; and that every appropriation of the public money should require a vote of two thirds of the members of the legislature.

In the mean time a number of the leading radicals

* An act, drawn up by Mr. Seymour, one of Mr. Bouck's confidential friends, passed the Legislature in 1844, appropriating a part of the surplus revenue, after complying with the provisions of the law of 1842, to the completion of the unfinished works. The radicals opposed this measure, and insisted that it was contrary to the spirit of the law of 1842, though they did not claim that it was a violation of the letter, to make any such appropriations until the existing debt should be paid.

had taken ground in favor of a convention to revise the constitution, and a large portion of the whigs appeared to be friendly to the suggestion. This project was agitated in the Legislature of 1844, but as nearly all the conservative democrats now ceased their opposition to the amendment of the constitution which the radicals had urged, no definite action was had upon it. The resolutions of amendment, defeated in 1843, were once more taken up, and being sustained by almost the united vote of the democratic party in the Legislature, were adopted by a large majority. This did not terminate the dispute between the two factions ; because the resolutions were to be referred to the succeeding Legislature, according to the provisions of the constitution of 1821, and then submitted to the electors of the state.

During the two years of Governor Bouck's administration, the democrats had the control of both branches of the Legislature, but the contests between the two factions interfered very much with the proper business of legislation.

Among the recommendations of the governor, not before mentioned, were the amendment of the constitution so as to increase the efficiency of the judiciary of the state, the modification and alteration of the safety-fund law so as to secure more perfect protection against losses by the failure of the banks, and the improvement of the militia system. He also advised the passage of a law directing the locks on the canals to

be closed on the Sabbath, provided it was thought by the Legislature that such a law could be enforced.

After the adjournment of the Legislature in the spring of 1844, the opposition to Governor Bouck became more decided than ever. The course of the radical members in refusing to approve of the measures and policy of his administration was commended by all the presses in that interest, and as warmly condemned by those belonging to the opposite faction.

It was now very evident that his renomination would be opposed with considerable earnestness. Indeed, some of the radical papers had, during the previous winter, openly advocated the selection of another candidate. Among others, whose names were presented to succeed him in the gubernatorial office, was the late Silas Wright, then a senator in Congress. Mr. Wright had taken no part in the divisions and contests of the two factions in the democratic party of the state, and Governor Bouck was very willing to decline a renomination in his favor. Accordingly, in the month of April, 1844, a friend of Mr. Bouck addressed a letter to Mr. Wright, informing him that the former would cheerfully yield if he would accept a nomination. In reply, Mr. Wright said, that under no circumstances, which he could anticipate, would he consent to become a candidate. To this determination Mr. Wright adhered, although he did not go so far as absolutely to forbid the use of his name. Still, it is quite evident

he had no desire to leave the Senate, or to mix himself up with the party feuds in New York.

Notwithstanding Mr. Wright's feelings and wishes were made known through the democratic papers, the radicals persisted in urging his name. They were soon joined by all the moderate men in the party, who anticipated defeat if he were not the candidate, and he was finally nominated over Governor Bouck by the democratic state convention.

Governor Bouck and his friends, however, cheerfully supported Mr. Wright at the polls. The latter did not, it is true, receive the usual democratic majority in Schoharie county, and especially in Fulton, the residence of Governor Bouck, but this was entirely owing to the anti-rent question.

Shortly before the close of the administration of Governor Bouck, the public peace was again disturbed by a renewal of the outrages on the manorial lands. Bands of the tenants, or anti-renters, had armed and disguised themselves as Indians, and in the month of December, 1844, the official papers of the sheriff of Columbia county were forcibly taken from him and burned; and at one of the meetings of the anti-renters held in the same county, at which arms were liberally displayed, a young man was shot dead. Similar disturbances occurred about the same time in the county of Rensselaer. Governor Bouck immediately held a consultation with the state officers, and with Mr. Wright, the governor elect, in which it was deter-

mined to order out an armed force to assist the authorities of Columbia county in maintaining order and enforcing the laws. This was promptly done; and the offenders were afterward arrested, tried and punished, and tranquillity restored.

Governor Bouck, with most of the prominent members of the democratic party, including Mr. Van Buren, Mr. Marcy, and Mr. Wright, was originally opposed to the project of calling a convention to revise the constitution in 1846, and in his annual message in 1844, he made a distinct avowal of his sentiments upon the question. The county of Schoharie, however, gave a large majority in favor of a convention, but this was mainly owing to the heavy vote of the anti-renters. Yet Governor Bouck was still so popular among his old friends and neighbors, that he was chosen one of the delegates to the convention. He took part in its deliberations, and was chairman of the committee on the elective franchise.

During the sitting of the Convention, in June, 1846, he was appointed by President Polk to the office of Assistant Treasurer in the city of New York. This appointment was conferred without solicitation on his part, and was reluctantly accepted. It, of course, interfered to some extent with his duties as a member of the Constitutional Convention, and he was unable to be present during all the discussions. In the financial provisions, so far as they affected the canal policy of the state, incorporated into the constitution, he took a

deep interest, and endeavored, though in vain, to secure to the Legislature a larger discretion in regard to completing the unfinished works than was finally conceded.

He discharged the duties of the office of Assistant Treasurer, rendered particularly delicate and onerous during the progress of the Mexican war, with great integrity, and to the entire satisfaction of the government and the public, till he was removed by President Taylor, in the month of May, 1849. His successor assumed the office on the 1st of July, when he returned to his island-farm in the beautiful valley of the Schoharie kill, where he is now enjoying a dignified retirement, surrounded by his old friends, and in the possession of good health and spirits.

In 1807, he married Catharine, the only daughter of Jacob Lawyer, who was the son of Jacob Frederic Lawyer, the co-patentee of his grandfather before mentioned. By her he has had eleven children, of whom eight are now living.

He has ever been regular and frugal in his habits, and, with the aid of a good constitution, has passed through life in the enjoyment of robust health. He is emphatically a self-made man, and his education has been almost wholly the result of experience. To his native strength of character, and native talent, he is mainly indebted for the official honors that he has received. These have certainly not been unwisely bestowed upon him. Throughout the long period which

he has passed in public life, he has maintained a high character for prudence and discretion, for honesty of purpose, for practical ability, and for unsullied integrity. These are, indeed, strong claims to the esteem and approbation of his fellow-citizens

SILAS WRIGHT.

"NOTHING," says Thomas de Quincy, "makes such dreary and monotonous reading, as the old hackneyed roll-call, chronologically arrayed, of inevitable facts in a man's life. One is so certain of the man's having been born, and also of his having died, that it is dismal to lie under the necessity of reading it."

Notwithstanding this *dictum* of one whose opinions are entitled to the utmost respect, it is exceedingly doubtful, whether the admirers of the "English Opium-Eater," whose name is legion, have been more delighted with the sparkling wit, the kindly sentiment, and the genial good-nature, than with the little, almost trivial incidents, recorded in his "Sketch from Childhood." Greatness, like distance, always lends "enchantment to the view." The humblest shrub or flower that sheds its fragrance or unfolds its beauties, beneath the shadow of the towering Cordillera, derives an additional charm and interest from its position ; and so, the most trifling events and objects, in the history of a great man, or connected with his fame and character, are invested with more than ordinary attractions.

The "inevitable facts" in the life of the subject of



SILAS WRIGHT.

Twelfth Governor of New York.

Lith. T. Mitchell M. Nassau, N.Y.



this sketch are these : His ancestors were among the early emigrants from "father-land," who sought an asylum and a home on the bleak and inhospitable shores of New England. Samuel Wright, the first of the family of whom we have an authentic account, was one of the first settlers of Springfield and Northampton, in the colony of Massachusetts, and died at the latter place, in 1665. His son, Samuel Wright, junior, was killed by the Indians, at Northfield, near the New Hampshire line, in 1675. Joseph Wright, the son of the latter, died at Northampton, in 1697, leaving a son by the name of Samuel, who died about the year 1740. Samuel Wright, the third of the name, also left a son, bearing the same name with himself, who removed to the north part of Hadley township, now Amherst, and whose son, Silas, was the father of the future governor of New York. Silas Wright, the elder, was apprenticed at an early age, and never went to school a day in his life. His trade was that of a tanner, currier and shoemaker, all these occupations being usually united in one and the same person, in those primitive days. When he had served out his time, so little attention had been paid to his education, that he could neither read nor write ; but his deficiencies in this respect were supplied by the kindness of his fellow-journeymen, who showed him how to keep accounts and to transact ordinary business. An inquisitive and observing mind, and an excellent judgment, completed his stock of qualifications, when he commenced business for himself.

His wife was also a native of Hampshire county, and had received a good education, by which he is said to have profited after their marriage. Certain it is, she aided him materially in the management of his affairs. Both were industrious and enterprising, and prosperity smiled good-naturedly upon them. They were the parents of nine children,—five sons and four daughters, two of whom died in infancy.

SILAS WRIGHT, their son, who is the subject of this memoir, was born in the town of Amherst, Massachusetts, on the 24th day of May, 1795. In the year following that of his birth, his father gave up his trade, and removed to the town of Weybridge, Addison county, Vermont, where he purchased a farm and devoted himself to agricultural pursuits. This continued to be his occupation up to the time of his decease, which took place in 1843. All of his sons, with the exception of Silas, likewise became farmers; and his sons-in-law, too, followed the same honorable occupation.

Young Silas Wright was reared and educated as a farmer's son among the green hills of his adopted state. According to the family traditions, his rare natural endowments, his prudence, discernment, and good judgment, early attracted notice, and his father regarded him as his hope and pride. Until he had passed his fourteenth year, he worked on the farm in summer, after he became old enough to endure the fatigue and labor, and attended the district school

during the winter months, in accordance with the custom of the times.

His father, however, had determined to give him a liberal education as his share of his fortune, and the ambition of the lad had long pointed in that direction. Accordingly, he entered the academy at Middlebury, when he was fourteen years of age, in order to fit himself for a collegiate course. Having completed his preparatory studies he was admitted a member of the freshman class in Middlebury college, and remained in that institution till he graduated, in the summer of 1815. In the academy and in college he maintained a high character for talents and for his studious habits. Acuteness of intellect, rare powers of mental application, force and energy of character, a retentive memory, and a judgment that rarely failed him,—all accompanied with a robustness of health, strengthened by toil and the fresh pure air of his country home, and preserved by the strict frugality of his manner of life,—were treasures which the young student possessed, and which he knew how to appreciate.

Self-reliance was early taught him, and it became one of the brightest traits in his character. His father's means were limited, and as soon as he could lighten the burden of his expenses, he was prompt to assist himself. During the last three years of his collegiate course, he taught a district school in the winter, and in that way both contributed to his support and improved his natural and acquired talents, by impart-

ing to them the polish of observation and experience.

The period which he spent in college was one of unusual excitement. It was that of the second war with Great Britain; and party feelings and prejudices were nowhere more strong and decided than in the New England states. His father was a decided republican, and had been several times elected by his party, a member of the Vermont Legislature. He was something of a politician, therefore, and having espoused the political doctrines of Jefferson and Madison, was an ardent supporter of their administrations, and of their foreign and domestic policy. He approved most heartily of the war of 1812, and, with his oldest son, took part, as a volunteer in the battle of Plattsburgh.

His son, Silas, was one of four republicans in a class of thirty; for the fires of party politics burned as brightly in the collegiate hall, as in the state-house or at the hustings. It required, indeed, no small amount of courage, to face the torrent of abuse poured upon Madison and the republican party in the New England states. The federalists had a large share of the talent of the country, and if anathemas and denunciations could have availed them aught, their opponents would have been prostrated beyond the hope of recovery. They mistook, however, the genius and spirit of the American people, and their very strength proved their weakness in the end.

Their denunciations, like chickens, "came home to roost."

Young Wright was prominent, nay foremost, in the political discussions which were held in the halls of his *Alma Mater*, and here, perhaps, were laid the foundations of that firm and ardent attachment to the principles and doctrines of the republican, or democratic party, which he evinced through his whole life.

As has been intimated, he graduated at the annual commencement in 1815. He had already determined to embrace the legal profession, and in the month of October following, he entered the office of Henry C. Martindale, at Sandy Hill, Washington county, in the state of New York. Mr. Martindale was a lawyer of considerable eminence, and afterward became a distinguished politician. He had formerly been a federalist, but he supported the administration of Mr. Monroe, and was a warm friend and supporter of the younger Adams.*

Mr. Wright remained in the office of Mr. Martindale about eighteen months, and then continued, and completed his studies with Roger Skinner, at that time the attorney of the United States for the northern district of New York, and afterward District Judge. Mr. Skinner kept an office at Sandy Hill, but in 1817 he was elected a member of the state Senate, and subsequently spent a greater portion of his time at Albany.

* He was a representative in Congress, from 1823 to 1831, and again from 1833 to 1835.

During his absence, the care of his business devolved in a great degree upon Mr. Wright, and he often spoke in high terms of his indebtedness to the fidelity, industry, and attention of his pupil. The latter drew up a large share of the papers in the office, to which he was pretty closely confined, though he occasionally visited Albany and other places upon the business of Mr. Skinner, and for several months taught a school at Fort Miller.

Mr. Skinner was a good lawyer, and maintained a fair standing at the bar of the state. He possessed more than an average share of talents, yet he seemed to derive greater pleasure from their employment in the party contests of the day than in the legitimate walks of his profession. He was a politician *con amore*; and it is more than probable, that Mr. Wright, in his companionship with such a man, acquired that fondness, not to say that zest, for politics, which gave tone and color to his after life.

While he was reading law, Mr. Wright was often employed in causes in justices' courts, in the management of which he displayed an ability that gave promise of future excellence in his profession. He was finally admitted to the bar of the Supreme Court of New York, as an attorney, at the January term in 1819. His health had now become considerably impaired by his constant and unremitting attention to his studies, and confinement to the office and desk; for which reason, in accordance with the advice of his

friends, he determined to spend a portion of the following spring and summer in travelling on horseback, both for the purpose of regaining his strength, and of discovering some favorable location at which he might establish himself permanently in the practice of his profession.

Western New York was then rapidly springing into consequence; it was the great attraction, the land of promise, to the youthful adventurers from the older settlements at the east; and in this direction Mr. Wright turned his course. He followed the main central route leading to the western counties, occasionally diverging from it to visit some place of which he had heard flattering accounts, and on his return travelled through the northern portion of the state. There were several towns which he had seen on his journey, that promised well on the score of eligibility, but none exactly suited his fancy, till he reached Canton, in the county of St. Lawrence.

Settlements had been made in this county, at Ogdensburgh and Canton, more than twenty years previous; but it was still new, and its rolling hills, its broad plains and valleys, were yet hidden beneath the primeval forests. The practiced eye of the farmer's son saw at a glance the advantages which it offered to the agriculturist, and which assured him that it would soon take a high rank among the neighboring counties. His own natural inclinations, and the recollections and associations lingering in his memory, predisposed him

to take up his residence among a farming population. Though bred to the law, he was more than half a farmer.

At Canton he found an old friend of his father, whose name was Medad Moody, and who had formerly lived in Weybridge. Mr. Moody urged him with much earnestness to establish himself in the place where he resided, and offered to build him a law office, which he afterward did. Ogdensburgh was then the county seat; but Canton was the geographical centre of the county, and it was then predicted that when the public buildings came to be rebuilt, they would be located there. Mr. Wright was impressed with the justice of these anticipations, and they were subsequently realized. He concluded, therefore, to comply with the request and solicitations of Mr. Moody. After coming to this determination, he went on his way to his father's residence in Vermont, but returned again, and, in the month of October, 1819, opened an office at Canton, which continued to be his home ever after, except during the temporary absences occasioned by his official employment.

"Good counsellors," says Shakspeare, "lack no clients."* This was true of Mr. Wright. Considering his location, his success in his profession was as rapid and as great as could reasonably have been anticipated. Canton was then but a small country village, situated in the midst of a rural population, and the

* Measure for Measure.

business which it afforded to a lawyer was limited in amount, and yielded but very moderate pecuniary returns. He possessed a superior mind, however, and it was not long in exhibiting its fruits. His talents, his unassuming deportment, his punctilious observance of the proprieties of life, the ease of his manners, and the suavity of his disposition, made every one his personal friend. He was accessible to all, whether rich or poor. He never charged anything for advice, but his counsel was given without fee or reward ; it was not prompted by motives of self-interest, but always looked to the good of his client.

It was impossible for such a man to fail of success ; but he did not rise rapidly to distinction. He made no sudden attempts to reach the goal on which his young ambition had fixed its hopes. His progress was steady but assured. The growth of his fame was like that of the oak :—

“First seedling hid in grass,
Then twig, then sapling, and as century rolls,
Slow after century, a giant bulk,
Of girth enormous.”

The temples erected by Marcellus, to Virtue and Honor, it is said, were built in such a manner, that, in order to enter the temple of Honor, it was necessary first to pass through that of Virtue. Like the Roman, then, Silas Wright made his offerings at the shrine of Virtue before he deposited his laurels in the fane of

Honor. Few members of his profession, very few, have enjoyed a better or higher reputation. After he became known, his clients, friends, and acquaintances, were accustomed to repose the most perfect and entire confidence in his capacity and integrity. "He was the first lawyer I ever saw," said a shrewd and observing farmer of St. Lawrence county, "whose law was all common sense ; and he always gave plain, sensible reasons, for his opinions on any subject."

Had Mr. Wright remained at the bar, and devoted his whole time, and all the energies of his mind, to his professional pursuits, he would have risen to an eminence rarely attained ; for within two years after he commenced practice at Canton, it was generally conceded that he had no superior in the county. He possessed many of the traits and faculties which go to make up the character of the first-rate lawyer. He was not a natural orator ; that is, his voice and manner of delivery were not of themselves attractive. But he had affluence of diction, and a winning way that captivated and delighted the juror. He possessed great general knowledge, and understood how to avail himself of it. His mind was vigorous and impressible : it had a breadth, compass, and strength, that enabled him to grasp the features of a cause with a giant's power. By his kindness and urbanity he drew everything from a witness that he needed, and falsehood and prevarication were confounded in the presence of his sagacity and discrimination. He was dexterous in sifting and win-

nowing testimony ; and the most dark and intricate web grew clear as noon-day beneath the rays of his luminous mind. In argument he was strong, lucid, logical. He had, too, a spirit worthy of the immortal Areopagus, that lifted him above the sordid and debasing passions that often hide themselves under the robes of the advocate. His equanimity was remarkable—his judgment a faithful Palinurus, that never left the helm.

From the time when he first became a resident of Canton, till the close of his life, he enjoyed a personal consideration and popularity, among his neighbors and fellow-citizens, almost without parallel. He was indebted for this, not more to the affability of his disposition, than to the simplicity and practicability of his life. He possessed popular manners—not the arts and tricks of the demagogue,—but those natural traits which establish feelings of sympathy between the possessor and those brought within the sphere of his influence. There was no affectation about him. He was the friend and companion of all. His habits, his style of dress, and manner of living, were like those around him. He hunted and fished with the young men on terms of equality, and interested himself in the welfare of their elders, not from curiosity, but from motives of kindness.

In the performance of social duties and obligations, he was exemplary. He often went a distance of several miles on foot, to visit a sick friend, or to attend

a funeral; and took his turn with his neighbors, in watching by the bedside of the dying. When the minister was absent, he read the sermon at "the deacon meetings," as they were called. He frequently officiated as pathmaster in his district, and always did a full day's work. In every public enterprise he was foremost. When Canton became the county-seat, it was said by the inhabitants of the rival towns, that there were no suitable materials to be had in that vicinity, for the construction of the public buildings. Mr. Wright and his fellow-townsmen soon demonstrated the contrary. He led them to the quarry, with a shovel, pickaxe and crowbar in his hands, and worked day after day beside them, refusing absolutely to receive any pay for his services.

He was public-spirited, charitable, and generous. He took a deep interest in the common schools, the seminaries of learning, and the benevolent institutions, of the town and county. Though he was never a rich man, from a small tract of land which he had purchased, he gave several acres to the Presbyterian Society of Canton, on which they erected a church edifice, and devoted another portion to the purposes of a public square.—Such was the character of Silas Wright as a citizen and neighbor; and shall we wonder that the people of St. Lawrence county respected and esteemed him,—that the old blessed him, that the young regarded him with love, that the very children inquired

after him, when he was absent at Washington, with reverence and affection ?

In common with a very large share of the republicans of Vermont, Mr. Wright's family and himself were inclined to be partial toward John Quincy Adams, both because of his eminent talents, and of his support of the war policy and measures of Madison's administration. But the intimacy of the former with Mr. Skinner changed the direction of his early predilections. He became an ardent and decided Anti-Clintonian or Bucktail, and a warm admirer of Mr. Van Buren ; and with the majority of his party friends, he afterward favored the election of Mr. Crawford to the presidency.

The Clintonians were decidedly the stronger party in St. Lawrence county, in 1820 and 1821, but Mr. Wright made no secret of his political opinions and preferences. Irrespective of politics, the citizens of Canton and of the county generally, were much attached to him, and when the Bucktails obtained the control of the appointing power, he was strongly recommended for the office of Surrogate. His friend, Mr. Skinner, was the leading and most influential member of the council of appointment, and his success, therefore, was scarcely a matter of doubt.* He was

* Mr. Hammond is famous for discovering out-of-the-way causes for the most trifling events. He attributes Mr. Wright's appointment as Surrogate, to his great merit and "the general request of the community in which he resided," assuming, meanwhile, that he was appointed

appointed to the office on the 24th of February, 1821, and shortly thereafter received the additional appointments of justice of the peace and commissioner of deeds.

In the spring of the same year, he was chosen town clerk and inspector of common schools, which offices he held for three years in succession. He was subsequently appointed postmaster at Canton, and continued to hold the office till he resigned it, when he first went to Washington as a member of Congress, in the fall of 1827.

It is true that it does not often fall to the lot of a single individual to be so highly honored in the distribution of official favors ; but it is also true, that Mr. Wright never held an office which his fellow-citizens, of all parties, were not glad to see conferred upon him. The duties of each and all of them were performed punctually and faithfully, with rare ability and impartiality. As a justice of the peace he discouraged litigation ; his court was emphatically one of "concilia-

by the Clintonian council in 1820. (Political History, vol. iii. p. 23.) Mr. Hammond's friend, Governor Clinton, was not so exceedingly short-sighted as to appoint the *protégé* of Roger Skinner to the important office of Surrogate of St. Lawrence county. The explanation of the matter is very simple. At the extra session of the Legislature, in November, 1820, a new council of appointment was chosen, entirely composed of Bucktails, and opponents of Mr. Clinton. Of this council Mr. Skinner was a member ; hence it was called "Skinner's council." It was not called together till January, 1821, and in February following, Mr. Wright received the appointment mentioned in the text.

tion ;" and he spent more time in reconciling differences and disagreements, than in performing his official duties.

Besides the civil offices which he held, Mr. Wright filled several important positions in the militia. In 1822, he raised and organized an independent rifle company, of which he became the captain. In 1825, a rifle regiment was organized, in which he received the commission of major. He subsequently rose to the command of the regiment, and in 1827 was promoted to the rank of brigadier-general. Yet very few beyond the immediate circle of his acquaintances, ever knew that he had filled these offices. His military titles were rarely applied to him : indeed, the only title which seemed really suited to the Catonian simplicity and integrity of the man, was that of "Senator Wright."

The opposition of the Clintonians to a convention to revise the constitution in 1821, effectually prostrated them for a time as a political party ; and after the general sweep made by the Bucktails of all the offices, at the annual election in 1822, and under the administration of Governor Yates, a disposition was manifested in some counties, on the part of the republican Clintonians and Bucktails, to come together again. This was the case in St. Lawrence county. At a meeting of the Bucktail or republican members of the Legislature from the counties in the fourth Senate district, held in the spring of 1823, it was decided that

the candidate for senator, to be supported by their party at the fall election, should be taken from St. Lawrence. In accordance with this decision, a republican convention was held in that county to designate the candidate. The convention was attended by republican Clintonians and Bucktails, and they unanimously made choice of Mr. Wright as the candidate for senator. This selection was made without any interference whatever on his part. He was well known to be decided in his political sentiments; he had approved of the convention and of the new constitution; yet he was not a partisan, and had not been very active in the party contests of the county. It was thought, therefore, that he would poll a larger vote than any of the older and more prominent politicians.

At the last contested election, in 1821, the Clintonian ticket had received a large majority in the fourth district, and the same party which were then successful had now put in nomination Allen R. Moore, of Washington county, as their candidate for senator, in the confident hope that they would be able to elect him.

The chances in Mr. Wright's favor were originally but few, and his success was further placed in jeopardy on account of the agitation of the electoral question. In the summer of 1823 some of the opponents of Mr. Crawford, principally the friends of Mr. Adams, concocted a plan by which they hoped to defeat the election of

the former gentleman. There were several republican candidates, it will be borne in mind, but he was much stronger than either of them separately. They combined their strength, therefore, against him, and refused to go into caucus. It was feared that the address and management of Mr. Van Buren and his other friends in New York would give him the whole electoral vote of that state, which would go far toward securing his election, or at least effectually prevent that of Mr. Adams; but in order to prevent this result, it was proposed to procure the passage of a law taking from the New York Legislature the power to choose presidential electors, and giving it directly to the people. The Clintonians, indeed all the factions opposed to Mr. Crawford and Mr. Van Buren, fell in with this suggestion.

It was a mere trick, an electioneering device; and was originated for the sole purpose of defeating Mr. Crawford, by forcing the election into the House of Representatives, and thus depriving the people, even more than before, of having any voice in the matter. The members of the House were already chosen: they had been polled; and though Mr. Crawford was the preference of a plurality, the majority were determined that he should not be president.

The people did not so understand this question. The project was popular, and the prevailing sentiment among the voters was decidedly in favor of the proposed change in the law. At the annual election in

1823, a great number of the candidates for the Legislature, on both sides, were pledged to support a bill giving to the people the right to choose the electors. From Mr. Wright no pledge was exacted, but he expressed himself frankly and unreservedly, in the abstract, in favor of surrendering to the people the power of choosing the presidential electors.

His extraordinary personal popularity saved him from defeat, and the anticipations of his friends were fully realized. Out of St. Lawrence, his opponent received a respectable majority, but in that county only twenty votes were given for him out of more than fourteen hundred. Mr. Wright received every vote in the town of Canton except his own, and his majority in the county was about fourteen hundred, which more than balanced the majority of Mr. Moore in the other counties in the district.

Mr. Wright took his seat in the Senate at the commencement of the legislative session of 1824, being then in the twenty-ninth year of his age. The electoral question was now the great and absorbing topic. The bearings of the plot to defeat Mr. Crawford were fully revealed. During the previous summer the opponents of Mr. Crawford had said that, if he was found to be the choice of a majority of the republicans, they would forego their opposition. But when the Legislature assembled, they proposed to pass a law authorizing the people to choose the electors by a plurality of votes. At the same time, it appeared that the

friends of the candidates opposed to Mr. Crawford, who were so anxious to change the mode of choosing electors in New York, had made no attempt to do so in other states where they could control the entire vote.

Many of the Crawford men, like Mr. Wright, were really and sincerely in favor of the change which had been suggested, as an abstract question; but they thought it exceedingly unwise for New York to throw away her influence and strength in the decision of the presidential question, unless there was a general change made throughout the Union.

A bill finally passed the New York Assembly, providing for the choice of electors by the people, yet requiring a majority of votes. This bill was framed to meet the views of the Crawford men, but it was lost in the Senate. Mr. Wright was conspicuous in the discussions, and gained a high reputation for his skill and ability in debate. He was in favor of choosing the electors by general ticket and by a majority of votes, except that the state electors should be chosen by the Legislature, who should have the power, also, to fill all vacancies in the electoral college. His plan was presented to the Senate, but it received only three votes. Mr. Hammond terms it a "preposterous and ridiculous scheme," and charges Mr. Wright with "manœuvring;"* but it must be recollected that the Senate were discussing an innovation upon what had

* Political History of New York, vol. ii. p. 153.

been the established policy of the state for years, and there were a great number of plans and propositions presented. It was then all a new question ; though we can now, with the light of experience, discover the defects of Mr. Wright's scheme. But he did not often render himself ridiculous, and it would be difficult, even at the present day, to point out its preposterous features.

Separate propositions—to choose the electors by congressional districts, and by a general ticket and a plurality of votes—were voted down in the Senate as decidedly as the plan of Mr. Wright to choose by general ticket and by a majority of votes. A majority of the Legislature were undoubtedly opposed to the passage of any law, unless it was such an one as would be likely to favor the success of their particular candidates for the presidency. This was probably the feeling of Mr. Wright. He saw that the whole project was an electioneering scheme ; and with most of the other friends of Mr. Crawford, he would have voted for a law providing for the choice of electors by general ticket and by a majority of votes, but for no other.

When it became evident that the Senate would not agree to pass the bill from the assembly, or any similar one, he voted for a motion made by Edward P. Livingston to postpone the whole question beyond the time for choosing electors by the Legislature. This motion was carried by the votes of seventeen senators, who were afterward famous in the political history of

the state, as "the seventeen senators," and in the traditions of the old Crawford republican party, as "the immortal seventeen!"

As one of the seventeen senators, Mr. Wright received his full share of censure; but he, and many of his associates in that vote, were subsequently, on repeated occasions, candidates for the suffrages of the people, and were sustained and elected to the offices for which they were put in nomination, by the most flattering votes. Dispassionately considered, his and their course does not appear to be deserving of condemnation; but if they were in error, it was only in taking the proposition to change the law, into consideration at all, except prospectively, and in anticipation of the election in 1828. Had this been done, the plot would have been defeated, and some fair and feasible plan might have been devised that would have received the sanction of all parties.

Mr. Wright was a party to that political blunder,—the removal of De Witt Clinton from the office of canal commissioner. It was an ill-considered movement,—though not particularly unjust as respected Mr. Clinton,—for it contributed to the defeat of the Bucktail party, and restored to him the affections of the people which he might otherwise never have regained.

At the extra session called by Governor Yates, in September, 1824, Mr. Wright voted in favor of a resolution declaring, in general terms, that the people

ought to have the privilege of choosing the presidential electors; but he also opposed any action upon the subject at that time. At the extra session held for the purpose of choosing electors, in the month of November following, he voted for the Crawford electors, and also for the law making provision for taking the sense of the people in regard to the mode in which they should thereafter be chosen. The people decided in favor of a choice by districts, and a law was passed in 1826, in accordance with that decision.

In the republican legislative caucus of 1824, held for the purpose of nominating candidates for governor and lieutenant-governor, Mr. Wright favored the re-nomination of Governor Yates; yet he supported Colonel Young as the nominee of his party. It was then, and ever, one of the doctrines of his creed, at all times to sustain the regular nominations and measures of the political organization to which he belonged, whenever, by so doing, he was not required to surrender any cherished principle. Though possessing the kindest and most generous sympathies, he was wrapped up in his party, and counted himself as nothing in comparison with its welfare and success. In this respect he resembled Mr. Van Buren, and very likely his political character may have derived, from the example of the latter, its tone and general features.

They became intimately acquainted soon after Mr. Wright entered the New York senate, and friendship

sprung up between them, which soon ripened into a feeling akin to brotherly affection and love.

That this devotion to his party, unselfish and disinterested though it was, sometimes overruled the convictions of Mr. Wright's better judgment, is doubtless true. We have an evidence of this in the proceedings of the Legislature in 1825. Ambrose Spencer was then the Clintonian candidate for United States senator in the place of Rufus King, and was duly nominated for the office in the Assembly. In the Senate, the Bucktails, with the friends of James Tallmadge, the lieutenant-governor, were in a large majority, and by voting for a number of different candidates prevented any nomination being made in that body. If the Senate had nominated a Bucktail, as they could have done, and the two houses had met together in joint ballot, the Clintonian majority in the Assembly would have overbalanced that of the opposition in the Senate. The result was, therefore, that no election was made at this session, but the next winter a prominent Bucktail was chosen.

Judge Spencer was, unquestionably, not the choice of any considerable portion of the people, but the *quasi* violation of the law could hardly be justified on that ground. This dangerous precedent, which Mr. Wright aided to establish, is said to have originated with Lieutenant-Governor Tallmadge; and it afterward returned to plague the inventor, by preventing the re-election of his relative, Nathaniel P. Tallmadge,

on a similar occasion. It was a bad example, which has been too often imitated by both political parties in this and other states.

At the session of 1826, Mr. Wright voted for the resolution amending the constitution so as to extend the right of suffrage, but against the amendment giving to the people the power of electing justices of the peace. His vote upon the latter question was dictated by principle, and his individual opinions were probably always adverse to the choosing of judicial officers by popular election. Had he lived to witness the operation of the system established under the constitution of 1846, his views on this subject, perhaps, would have been changed.

His character and standing in the Senate were high. He was an able and skilful debater; clear in his statements; happy in his illustrations; and strong and forcible in argument. He always prepared himself with great industry, and when he took up a question his examination was thorough. In the management of political questions he exhibited unusual tact, but much less in the management of men, though he was an accurate judge of human nature. He was punctual in his attendance and in the performance of every duty, and did his full share of the labor in the committee room. This was also true of him, it may be added, whenever he was a member of a legislative body.

So highly gratified were his political friends, with the ability he evinced in the Senate, that they now

proposed to transfer him to a different sphere, affording a wider and better field for the display of his talents. The first step, in politics as in war, is everything. This had been taken, in the case of Mr. Wright; and opportunities for distinction multiplied upon him with a rapidity beyond his most sanguine expectations.

In the fall of 1826, he was nominated as one of the bucktail, or republican candidates, for representative in the 20th Congress, from the double district comprising the counties of Jefferson, Lewis, Oswego, and St. Lawrence. The canvass was marked by a spirit and activity without precedent. It was the first occasion on which one of "the seventeen senators" had been presented as a candidate for an elective office, and there were many strong prejudices to overcome. But his popularity and the general appreciation of his worth and integrity, were sufficient to counteract every effort made to defeat him. Both he and his associate on the republican ticket, Rudolph Bunner of Oswego county, were elected over the Clintonian candidates, by upward of five hundred majority.

At this election, Mr. Wright supported Judge Rochester as the bucktail candidate for governor, though, with Mr. Van Buren, he did not approve of that gentleman's preferences for Mr. Adams and Mr. Clay, and had already determined to unite in the contemplated movement looking to the elevation of General Jackson to the presidency.

He took his seat once more in the state Senate, but resigned it shortly before the 4th day of March, 1827, when his term of office as a member of Congress commenced. At this session, he made an able report as chairman of the committee on canals, on the subject of the canal and financial policy of the state. A petition had been presented, praying for the construction of a canal, from the Erie Canal, by way of Tonawanda creek, to the Alleghany river at Olean, subsequently known as the Genesee Valley Canal. Mr. Wright was at that time opposed to the construction of the lateral canals, and his report entered into an elaborate examination of the question involved in the various propositions then before the Legislature.

Upon matters of finance he was always "at home." Though he had never resided in the atmosphere of commerce, and had no experience in mercantile or extensive moneyed operations, his mind appeared to be naturally adapted for investigating, discussing; and deciding upon questions of that character. He took the ground in his report, that the state ought not to increase its debt, for purposes of internal improvement, until the money already borrowed had been paid; and that no new work ought to be commenced unless it was quite certain that the net income arising from it would "reimburse the treasury for the expense of making it." This position was sustained and fortified by powerful arguments, and the democratic party have, in the main, ever since occupied it. Individual members of the

party, residing on or near the lateral canals, and constituting in the aggregate a respectable minority, have opposed the doctrines of Mr. Wright's report, and he sometimes felt the effects of that opposition when a candidate for office; yet the great body of the democrats have generally agreed upon the leading financial principles which he advocated, even when they differed in regard to their application. No doubt he took rather a sombre view of the prospects of the state for the future, but he was thoroughly in earnest; nor did he—and who did?—anticipate the splendid results of our canal policy, and the almost incredible growth of the great West, which has been the main element in increasing the revenues of the state so far above the calculations of former years.

While in the Senate, Mr. Wright was conspicuous in his opposition to the incorporation of banks, and the combinations formed to procure charters. Those then in existence were, in many cases, institutions of the most irresponsible character, and he had no desire to add to their number. He was never favorably disposed towards monopolies or special legislation of any kind, though friendly to a sound and judicious system of banking. He approved of the safety-fund plan; but when time disclosed its defects, he was glad to see banking, like all other kinds of business, made free, under the general law of the state. He was sometimes represented as being totally opposed to paper money, but this was not so. He was not in favor of a

national bank, and he thought hard money was the only constitutional currency ; yet he was also of the opinion, that a currency of paper, reposing upon an actual specie basis, and at all times redeemable in gold and silver, was both convenient and necessary in the transaction of business.

In December, 1827, Mr. Wright took his place in the House of Representatives. At the opening of this session, the "allied powers" of the republican party, consisting of the friends of Jackson, Crawford, and Calhoun, united in the choice of a speaker, and continued to act together in the effort to overthrow the administration of Mr. Adams. Preceded by a high reputation, Mr. Wright was warmly welcomed at the capital of the nation, and was regarded as an important accession to the intellectual strength and character of the opposition. He was honored with the second place in the Committee on Manufactures, which proved to be in reality the first, because a majority of the members were republicans, and the chairman, Mr. Mallary of Vermont, who had been reappointed out of courtesy, was an administration man.

The great question to be considered at this session, was the tariff. At the north, a strong feeling existed in favor of high protective duties, and both parties were anxious to take advantage of that feeling to promote the success of their candidates at the approaching presidential election. There were various interests seeking and demanding a revision of the tariff. Prom-

inent among them were the iron-workers of Pennsylvania, the manufacturers of the East, and the wool and hemp growers of the northern, middle, and western states. Each was jealous of the other, and to satisfy all, seemed a hopeless task. The manufacturers and agriculturists complained, that the tariff of 1824 was partial to the iron interest ; and the producers of wool and hemp insisted, that that act, and the "woollens' bill" of 1826-7, favored the manufacturers at their expense.

A convention of the friends of a protective tariff had been held at Harrisburg, in July, 1827, at which a tariff of duties had been agreed upon that was satisfactory to the manufacturers, but not at all acceptable to the agricultural friends of protection. This was, in effect, the administration plan, and it was laid before the committee on manufactures. To secure the agricultural interest, and at the same time retain the good wishes of the iron-workers in Pennsylvania, was now the great aim of the republicans in Congress, and it was easily accomplished. Mr. Wright was a warm friend to the agricultural interest, both from education and association ; and through his instrumentality, and upon his motion, the committee were authorized to examine persons under oath in regard to the profits of the manufacturers. The examination was had ; and upon the facts thus elicited, he drew up what is known, though somewhat modified before its passage, as the tariff law of 1828.

Mr. Wright's bill differed widely from the Harrisburg project, and was strenuously opposed by the manufacturing interest, who declared that it was designed for the benefit of the wool and hemp growers, but would operate to their injury. The bill was finally amended so as to render it more agreeable to the manufacturers, and it then became a law; Mr. Wright voting for, and supporting it in several able speeches. His ablest effort was made on the 6th and 10th of March, and commanded great attention. It at once placed him in a favorable position, and a leading paper at Washington remarked of him, that if he remained in Congress, he was destined "to become the pride of New York herself."

For his advocacy of this measure, he was complimented by the citizens of Middlebury, Vermont, with a public dinner, in the fall of 1828; but when experience had demonstrated the numerous improper features of the law, he was prompt to concede that he had been in the wrong. As he afterward admitted, the duties imposed by the act of 1828 were exorbitant. It was a law that ought never to have been passed. He always regretted his vote in its favor, and pronounced it "a great error."*

At this session, also, Mr. Wright supported the bill for the relief of the revolutionary officers and soldiers, which became a law on the 10th of May, and the internal improvement bill.

* Remarks in the U. S. Senate, August 27, 1842.

The year 1828 was made memorable by the election of Andrew Jackson to the office of president, and of Martin Van Buren to that of governor of New York. Both received the cordial, hearty, and influential support of Mr. Wright. He was himself a candidate for reëlection, and was once more chosen to the station he had so creditably filled. His majority was very small; and one of the Adams' candidates in his district was elected. In consequence of a technical error in the returns, and because the word "junior" was omitted on some of the tickets intended for him, the certificate was given to his opponent. But he presented his petition claiming the seat, at the first session of the 21st Congress, though then occupying the position of comptroller of the state, and it was unanimously awarded to him, whereupon he immediately resigned it.

At the second session of the 20th Congress, he voted against a resolution instructing the committee of ways and means to bring in a bill repealing the tariff act of 1828, and in favor of resolutions directing an inquiry into the condition of the slave trade in the District of Columbia, and the expediency and propriety of abolishing slavery in the district. These last resolutions were merely of inquiry, and by voting for them, he did not commit himself upon the main questions involved. He was undoubtedly in favor of abolishing the slave trade in the district; but in regard to slavery itself, though with Mr. Van Buren always maintaining the power of Congress to abolish it, he was of the opinion

that it would be both unwise and inexpedient to exercise that power against the wishes of the slaveholding states.

While engaged in the faithful performance of his duties on the floor of Congress, he was chosen by the republicans of the New York Legislature, on the 27th of January, 1829, to fill the office of comptroller, made vacant by the elevation of Mr. Marcy to the bench of the Supreme Court. He was nominated in the legislative caucus on the first ballot, by a respectable majority over several competitors. The office was one which he had not solicited, but was a deserved compliment to the distinguished ability with which he had discussed questions of finance in the state Senate, and in the House of Representatives.

Immediately after receiving notice of this appointment, he obtained leave of absence for the remainder of the session, and repaired to his new post at Albany. How well, how faithfully, and with what patience, industry, and promptitude, he discharged the important duties of the comptrollership,—with what skill and fidelity he managed the financial affairs of this great state, during the period he remained in office, her records will abundantly testify. He was courteous and obliging to all who had intercourse with him, in his capacity as the head of the department intrusted to his charge ; yet punctual, exact, and methodical, in the transaction of business ; and exercising a jealous, but faithful and impartial scrutiny, in watching over and protecting the interests of the state.

As a member of the canal board, he adhered with fidelity, but in no spirit of self-opinionism—for it was with him a question of principle—to the views he had before advanced in the Senate, in favor of the prompt extinguishment of the public debt, and in opposition to the construction of lateral canals and other new works of internal improvement, unless they were certain to yield sufficient revenue to pay the cost of construction, or, at least, until the surplus revenues arising from the works already in operation should be available for those objects.

In 1832, he directed the attention of the Legislature to the large deficiency in the general fund, and advised that it should be replenished by the imposition of a direct tax. The same ideas and opinions that he advanced on this occasion afterward dictated the passage of the act of 1842, which he highly approved. The Legislature of 1832, however, did not concur with him in sentiment, but the general fund was relieved by means of temporary loans. The evil day was postponed, instead of providing a remedy.

So high was the public confidence in his capacity and integrity, that he was reelected comptroller, in February, 1832. Some opposition was manifested to his nomination in the legislative caucus by the friends of the lateral canals, but it did not avail anything, except to keep up a division in the party which ultimately widened into an actual breach. But he held the office only for a year, under this second election,

in consequence of his being transferred to the Senate of the United States, which was at once the object of his ambition, and the great field of his fame.

While filling the office of comptroller, he was by no means inactive as a politician. Decided in his sentiments, sincerely attached to the doctrines of the republican party, and thoroughly devoted to its interests, he did not hesitate to give utterance to his views when called upon to express them. He was a member of the democratic state conventions, in 1830 and 1832, at which Mr. Throop and Mr. Marcy were, respectively, nominated for the office of governor ; and also of the national convention in the latter year, at which, General Jackson and Mr. Van Buren were nominated for president and vice-president. But, though a conspicuous actor in all the great movements of his party, he busied himself not at all with the petty differences and divisions growing out of the contests for minor offices. For this reason, and because his ability and fitness for the office were quite generally conceded, his nomination for senator in the party caucus was made on the first ballot, and by a unanimous vote.

To say that he did not desire the senatorial office would be untrue. It was a position which any man might be ambitious to secure. But he used no undue means to reach it, no persuasions or solicitations. He may not have concealed his wishes, but his friends, not himself, were the active instruments in procuring their gratification.

He was chosen by the Legislature, to fill the unexpired term of Governor Marcy, on the 4th day of January, 1833, and took his seat in the Senate on the 14th instant. In respect to talent he had stood so high, that there were those who distrusted his abilities,—who feared that he would be unable to maintain his former reputation in that noble assembly to which he was about to be admitted. “They did not stop to consider how often it is, that ‘honor pauseth in the meanest habit;’ they did not appreciate, at its proper value, the strong and powerful genius concealed beneath his plain and unassuming manner; and they trembled for the senator, still young in years, as he crossed the threshold of the chamber where the sages and statesmen of the past had so often assembled in council, and enrolled his name as a member of the ablest body in the nation—perhaps in the world. But those who knew him intimately and well, had no fears or apprehensions. They had caught some glimpses of the sterling metal in his composition, and they were willing that it should be submitted to the ordeal, satisfied in their own minds that, like the gold of the refiner, it could but comē the purer from the trial. They were anxious, very anxious; but they doubted not. Remembering that

“Peace hath her victories,
No less renowned than war,”

they were content to see him enter the arena, in the

full confidence that he would gather new laurels to adorn his brows, and confer new honor upon those who had promised so much in his behalf.

“It was, indeed, a critical time in his history. There were hosts of friends to cheer and encourage him; he was the representative of one of the largest and most important members of the confederacy; it was conceded that he possessed talents of a high order; but his character as a statesman was yet to be formed. Everything was expected from him, and those expectations must not be disappointed. There was a great deal in the past to incite him to renewed exertion, and, like Alexander on the shores of the Hellespont, before him lay “Hope, and the world!” Had he faltered then—had he hesitated but for one moment—who can say what his destiny might have been? The country was agitated from one extremity to the other. The best talent in the land was collected in the Senate.

“Opposed to the administration he would be called upon to sustain at the head of his compeers, stood the gallant and chivalrous Clay—captivating the heart, and enchaining the imagination, by the magic bursts of his thrilling eloquence; Calhoun, the fearless champion of the sovereignty of the states, with his chaste diction, and analytical mind—every sentence that he uttered a whole chapter of argument, and every word a political text; Webster, calm, profound, and argumentative—powerful in stature, and gigantic in mind; the smooth and plausible Clayton; and Preston, servid

and impassioned as the rays of the southern sun which had warmed his genius into life. On the opposite side, there was Benton, industrious, determined, and unyielding—with his pockets overflowing with statistics, and his head full of historical lore; Forsyth, easy and graceful in his address, but an able and experienced debater; Rives, the eloquent and talented senator from the Old Dominion, seeking to give vent to the inspiration he had caught in the groves of Monticello; White, with his metaphysical and sententious apothegms; and the shrewd and cautious Grundy, familiar with parliamentary tactics, watching for the weak points in his adversary's argument, and never caring to conceal his gratification when he saw the fabric reared with so much labor, toppling down in the dust.

"Such were the statesmen among whom Mr. Wright had taken a place, and against and with whom he was obliged to compete for the brilliant honors he acquired in his senatorial career. At the outset, the course was marked out which he subsequently pursued. Courteous and affable—dignified and respectful—he never suffered himself in the midst of the stormiest debate, to forget the character he had assumed. Cool, thoughtful, and deliberative, every word was weighed before he gave it utterance, and not one of his opponents ever obtained an advantage that he voluntarily surrendered. There were none of those impulsive features in his character, which would have induced him to dash heedlessly forward, in the

hope of outstripping every competitor at the start; and, if he failed, to console himself with the reflection that he had dared something beyond the power of human skill to accomplish.* His advances were slow and steady, but sure. He did not thrust himself forward. He did not assume too much. Not even when the bold and independent Jackson was willing to lean upon him for support, and he became known as the confidential friend of Mr. Van Buren, was there anything like assumption, or dictatorial harshness, in his tone or manner. The efforts of his discriminating and logical mind were directed to the enforcement of the positions he laid down, and the principles he advocated, for the sake of the argument; for the sake of what he believed to be just and right; and not to compel those who listened, to adopt the conclusions at which he had arrived. If successful, he never advanced too hastily, but was content to wait until he had secured what was gained. He did not peril everything by attempting to grasp more than could be reached. And when he was defeated, when dark and portentous clouds hung around the political horizon, and the omens for the future were fearful and threatening, he did not lose his confidence in the ultimate triumph of the truths he labored to establish; but he calmly seated himself down, prepared patiently to bide his time, 'with his feet to the foe,' and his breast bared

* "*Magnis tamen excidit ausis*," was the consolation of the unfortunate Phaëton.

for the shock, ready alike to resist an attack, or to advance and secure the victory.”*

The second session of the 22d Congress was an important one. Nullification threatened to overthrow the fair fabric of American freedom, and the friends of the constitution were rallying to its defence and protection. Mr. Wright heartily approved the doctrines of the Proclamation, and voted for the Force Bill. But while he sustained the administration in the measures it was thought proper to adopt in order to secure the due observance of the law, he believed that there was just cause for the complaints, on the part of the planting states, of the partial and unequal operation of the tariff laws. He gave his vote, therefore, for the compromise act, though there were several features in it which he did not approve. He was opposed to the principle of home valuation, to the reduction of the duty on coarse wool when the article manufactured from it was so highly protected, to the abolition of all specific and discriminating duties and the substitution of the ad valorem principle, and to the restraint imposed upon the action of future Congresses. But he was convinced that something must be done, or the Union would not exist till another session, and he accordingly voted for the law notwithstanding these objections.

In September, 1833, he was married to Clarissa Moody, the daughter of his old friend, Mr. Moody,

* Life of Silas Wright, p. 81, et seq.

who first welcomed him, to Canton, and in whose house and family he had lived during the whole period of his residence there. Mutual affection, unity of sentiment, and harmony of views and interests, conspired to render this union a fortunate one. Though not blessed with children, it was fruitful in happiness and love.

At the ensuing session of Congress, Mr. Wright was appointed a member of the committees on Agriculture and on Commerce. The great topic of discussion was the removal of the deposits from the bank of the United States, and he highly distinguished himself in the defence of that measure, and in his opposition to Mr. Clay's resolutions censuring President Jackson for making the removal. On the 30th of January, 1834, he presented the resolutions of the New York legislature approving of the course of the president, and availed himself of the occasion to express his views at considerable length, and with great ability. He disclaimed to be the organ of the administration, but he was known to possess the entire confidence of both the president and vice-president, and to be the friend and adviser of each, and every one felt that he uttered their sentiments. He justified the removal of the deposits, to the fullest extent, and in reply to an inquiry of Mr. Webster, as to what the administration proposed to do, in order to remedy the embarrassment in the money market, he expressed himself decidedly opposed to a national bank. This

speech is a favorable specimen of his senatorial eloquence, as the following extracts will show :

"But, Mr. President, while I highly approve of the open and manly ground taken by the senator from Massachusetts, I differ with him *toto celo* as to the remedy he proposes. There is no inducement which can prevail on me to vote for the recharter of the Bank of the United States. I would oppose this bank upon the ground of its flagrant violations of the high trusts confided to it; but my objections are of a deeper and graver character. I go against this bank, and against any and every bank to be incorporated by Congress, whether to be located at Philadelphia, or New York, or anywhere else within the twenty-four independent states which compose this confederacy, upon the broad ground which admits not of compromise, that Congress has not the power, by the constitution, to incorporate such a bank.

"I may be over-sanguine, Mr. President, but I do most firmly believe that, in addition to the invaluable services already rendered to his country by the President of the United States, he is, under Providence, destined still to render her a greater than all, by being mainly instrumental in restoring the constitution of the country to what it was intended to be by those who formed it, and to what it was understood to be by the people who adopted it; in relieving that sacred instrument from those constructive and implied additions, under which Congress have claimed the right to place beyond the reach of the people, and without responsibility, a moneyed power, not merely dangerous to public liberty, but of a character so formidable as to set itself in open array against, and to attempt to overrule the Government of the country. I believe the high destiny is yet in store for that venerable man, of disproving the exalted compliment long since paid him by the great apostle of republicanism, 'that he had already filled the measure of his country's glory,' and that he is yet to accomplish, what neither Thomas Jefferson nor his illustrious successors could accomplish, by adding to the proof which he has so largely contributed to afford, that his country is invincible by arms, the consolatory fact that there is, at least, one spot upon earth where written constitutions are rigidly regarded.

I know, sir, that this work, which the President has undertaken, and upon the success of which he has, with his usual moral courage, staked the hard-earned fruits of a glorious life, is full of difficulty. I know well that it will put the fortitude and patriotism of his countrymen to the severest test; but I am happy also to know that he has, in this instance, as heretofore, put himself upon the fortitude and patriotism of a people who have never yet failed him, or any man who was himself faithful to his country in the hour of peril." * * *

"I have thus responded, and I hope the senator from Massachusetts will allow, fully, to so much of his appeal. I will go on, sir, and cover the whole ground. He has asked, if you will neither recharter the present bank nor establish a new one, what will you do? As an individual, sir, and speaking for myself only, I say I will sustain the executive branch of the Government, by all the legal means in my power, in the effort now making to substitute the state banks instead of the Bank of the United States, as the fiscal agent of the Government. I believe they are fully competent to the object. I am wholly unmoved by the alarms which have been sounded, either as to their insecurity, or influence, or any other danger to be apprehended from their employment. I hold the steps so far taken in furtherance of this object, well warranted by the constitution and laws of the land, and I believe that the honor and best interests of the country, imperiously require that they should be fully sustained by the people, and by their representatives here."

The opinions of Mr. Wright upon the subject of the employment of the state banks as depositories of the public money were not, however, so firmly fixed that they could not be changed; and subsequently, in the same speech, he more than intimated a desire to get rid of the banks altogether, as agents of the government.

"But, Mr. President," he said, "while I am prepared to give to this effort of the Government, to make the state banks our fiscal agent for

the safe-keeping and convenient disbursement of the public moneys, a full support and a fair experiment, any effort, come from what quarter it may, to return to a hard-money currency, so far as that can be done by the operations of the federal government, and consistently with the substantial interests of the country, shall receive from me a cordial and sincere support; and no one would more heartily rejoice than myself, to meet with propositions which would render such an effort in any degree practicable."

On the 20th of March, he made another speech, upon the motion of Mr. Webster for leave to introduce a bill rechartering the United States Bank for a limited period, in which he again avowed his opposition to such an institution, upon constitutional as well as other grounds. He was highly complimented by Mr. Webster for the ability he displayed on this occasion; and thereafter, the task of answering his arguments on any question, devolved upon the Clays and Websters, the master minds of the opposition in the Senate.

He also took part in the debate on Mr. Clay's resolutions of censure, and delivered an able speech on the 26th of March, in which he denied the power of the Senate to condemn the president unheard, and in the manner proposed by the resolutions. The speech was mainly occupied with an elaborate argument on this point; but the peroration contained a spirited defence of General Jackson, and was as eloquent and impressive, as the preceding portion of the speech had been argumentative. It was as follows:

"But we are still called upon to vote for this resolution; and who, Mr. President, is it upon whom the sentence of the Senate is thus to be

passed without a trial? The officer, sir, is none other than the chief executive officer of the Government—the President of the United States; he whom the people elected to that high station, by their free suffrages, against the popularity and power of a competitor holding the office, and wielding its patronage—a patronage now represented to be so immense and irresistible and dangerous;—and wielding it too with the aid of skilful and experienced advisers. It is no other than that President, who after four years of official trial before the people, was re-elected against another competitor; selected from among the distinguished of his countrymen, for his superior hold upon the popular feeling of the country, and re-elected, too, by a vote more decisive than any which had ever before marked the result of a long and severe political contest. Such, Mr. President, is the officer—I had like to have said,—upon his trial. No, sir, it is not so—who is not to be allowed a trial; but who is about to receive the condemnatory sentence of the Senate unheard.

“Who, sir, is the man, the citizen of our republic, upon whom we are about to pronounce our high censures? Is it Andrew Jackson? Is it that Andrew Jackson, who, in his boyhood, was found in the blood-stained fields of the Revolution? Who came out from that struggle the last living member of his family? Who, when the sound to arms again called our citizens around the flag of our country, posted himself upon the defenceless frontiers of the South and West, and bared his own bosom to the tomahawks and scalping-knives, sharpened for the blood of unprotected women and children? Who turned back from the city of the West, the confident advance of a ruthless, and until then, unsubdued enemy, and closed the second war against American liberty in a blaze of glory, which time will not extinguish? Who, when peace was restored to his beloved country, turned his spear into a pruning hook, and retired to his Hermitage, until the spontaneous voice of his fellow-citizens called him forth to receive their highest honors, and to become the guardian of their most sacred trust? Is this the man who is to be condemned without a trial? Who is not entitled to the privilege allowed him by the constitution of his country? Sir, this surely should not be so. For the very act which saved a city from

pillage and destruction, and the soil of his country from the tread of an invading enemy, this individual was accused of a violation of the constitution and laws of his country. For the very act which entitled him to the proud appellation of "the greatest captain of the age," he was convicted and condemned as a criminal. But, Mr. President, he was not then denied a trial. Then he was permitted to face his accusers, to hear the charges preferred against him, to offer his defence, and to be present at his sentence. In gratitude for these privileges of a freeman, he stayed back with his own arm the advancing wave of popular indignation, while he bowed his whitened locks to the sentence of the law, and paid the penalty imposed upon him for having saved and honored his country.

"Grant to him, I beseech you, Mr. President; I beseech the Senate, grant to that old man the privilege of a trial now. Condemn him not unheard, and without the pretence of a constitutional accusation. His rivalships are ended. He asks no more of worldly honors. 'He has done the state some service.' Age has crept upon him now, and he approaches the grave. Let him enjoy, during the short remainder of his stay upon earth, the right secured to him by the constitution he has so often and so gallantly defended, and, if indeed, he be criminal, let his conviction precede his sentence."

Mr. Wright made another speech on the 31st of March, upon the presentation of memorials from the city of Albany praying for the recharter of the bank, showing that that was not the prevailing sentiment among the people of his state; and on the 6th of May, he made one of his happiest efforts in defence of the Protest.

But it would swell this work far beyond its original design, to present a detailed account of Mr. Wright's services in the Senate. He invariably spoke on all questions of great importance, always with ability, and

was never listened to otherwise than with pleasure. His high talents, his manly candor, his unfailing courtesy, his fearless intrepidity, and his unbending integrity, gained him high commendation, and when his friend, Senator Benton, called him "the Cato of the Senate," no one denied that the honor was worthily bestowed.

He supported all the great measures of General Jackson's administration; and defended his course during the difficulty with France, and the financial policy, in pursuance of which the specie circular was issued. He opposed the distribution of the proceeds of the public lands, and the act dividing the surplus revenue among the states.

At the session of 1834-5, he was the administration candidate for chairman of the committee on finance, in opposition to Mr. Webster, and was appointed to the second place on the committee. He was also a member of the committee on commerce. When the democrats obtained the ascendancy in the Senate, he was placed at the head of the finance committee, where he remained so long as his political friends had the control of that body. He was, also, during several sessions, a member of the committee on claims, the duties of which were exceedingly arduous, but he never shrunk from the burden imposed upon him.

In May, 1835, he attended the democratic national convention, at which Mr. Van Buren was nominated for the presidency, as one of the delegates from the

state of New York ; and when that gentleman succeeded the venerable Jackson in the presidential chair—a circumstance that afforded him unalloyed gratification—he gave to his administration, not merely a cordial, but a most effective support. Mr. Van Buren reposed the fullest confidence in his ability and sagacity, in the disinterestedness of his advice, and in the sincerity of his attachment ; and he never suggested an important measure, or took an important step, without consulting with him.

When the banks had suspended specie payments, in the spring of 1837, and thus dissolved their connection with the government, Mr. Wright advised Mr. Van Buren to recommend the Independent Treasury plan. The time had now arrived, as he thought, which he had anticipated in his speech on the New York Resolutions, in 1834, and a favorable opportunity was presented for the government to return to a hard-money currency, by simply ceasing to employ the banks as its fiscal agents, or rather continuing the separation then existing, and refusing to receive anything except what the constitution recognised as money, in payment of the public dues.

During the summer previous to the extra session of 1837, he prepared two articles, under the title of “The Times,” which were published in the St. Lawrence Republican, the democratic paper in his county. The first article treated of the “probable continuance of the suspension of specie payments by the banks ;” and the

second, of "the duties and responsibilities imposed upon the national government by the suspension of specie payments by the state banks." These articles were published anonymously, but the terse and masculine style of Silas Wright was generally recognized; and they attracted much attention all over the Union, not only on account of the ability with which they were written, but because they foreshadowed the separation of bank and state afterward recommended by Mr. Van Buren.

At the regular annual session of the New York legislature, in the winter of 1837, Mr. Wright was reëlected senator for the full term of six years. Mr. Hammond states that this election was made by "the general consent of his political friends."* This is a mistake. An effort, which would have been successful in the case of one less popular with the people, was made in the democratic legislative caucus, by the lateral canal and state bank interests, to defeat his renomination. They presented Samuel Beardsley, of Oneida county, as the opposing candidate, and gave him a considerable vote. Mr. Wright did not regard this opposition of much importance at the time, but it was never forgotten or forgiven by his immediate friends, and it served to increase the difficulties of his position when he became governor of the state.

As the chairman of the committee on finance, Mr. Wright reported the independent treasury bill, at the

* Political History, vol. ii. p. 465.

extra session of Congress called by Mr. Van Buren, in September, 1837. As originally reported, it did not embrace the specie clause, although he was always in favor of the principle. His bill did not contain it, because some of the democrats in Congress were understood to be opposed to taking that extreme ground. It was amended in the Senate, however, with his vote, so as to require the collection of government dues in the constitutional currency.

This bill failed in the House of Representatives at the extra session ; and at the following regular session he reported another bill, more complete in its details, containing the specie clause. "The one previously introduced had constituted each officer a receiver ; but this proposed the appointment of persons to be charged with the special duty of keeping and paying out the public funds. This provision was intended to obviate the objection which had been raised, that the administration was desirous of establishing an army of office-holders, who would have the means of the government at their disposal. Severe penalties were also prescribed, for any neglect of duty, or breach of trust ; and every precaution taken to provide against losses. The opponents of the measure were free to admit that, waiving the principle upon which the bill was founded, nothing could be better calculated to carry into effect the object had in view. Mr. Wright made several able speeches while this question was agitated in Congress ; but that delivered on the 31st of January, 1838, prob-

ably exceeded them all. In his speech on that occasion, he reviewed the whole subject of the collection, keeping, and disbursement of the public revenue. He avowed it as his firm and settled conviction, that the state banks could not be relied upon as the fiscal agents of the government; for the reason that, as state institutions, Congress would be unable to exercise that control over them which was absolutely requisite. He also declared that there could be no middle ground—that a system based on the principles of the bill before the Senate must be established, or they would be compelled to resort to a national bank. The bill reported by Mr. Wright was discussed for a long time in the Senate, and on the 24th of March the specie clause was stricken out—yeas thirty-one, nays fourteen. Several of the democratic senators voted for the motion, in obedience to the instructions of their state Legislatures. Mr. Wright, with Mr. Benton and Mr. Calhoun, resisted it to the end. On the 26th the bill passed the Senate by a vote of twenty-seven to twenty-five. Like its predecessor, this bill was laid upon the table in the House—yeas one hundred and six, nays ninety-eight—the whigs and conservatives voting for the motion. At the next session, in 1838–39, Mr. Wright again brought forward the independent treasury project, without the specie clause, in the hope of securing a favorable vote, as some law on the subject was deemed necessary; but it was a third time defeated. The elections for members of the twenty-sixth Con-

gress, however, terminated in the choice of a reliable majority for the administration, in the House of Representatives; and soon after the commencement of its first session, Mr. Wright brought forward a bill establishing the system which he had so earnestly advocated since the extra session in 1837. The specie clause was added, with his vote, and in that shape it passed the Senate. On the 1st of July, 1840, a final vote was taken on the bill in the House, which resulted in its passage—yeas one hundred and twenty-four, nays one hundred and seven. The law thus enacted was known, by its title, as ‘An act to provide for the collection, safe-keeping, transfer and disbursement, of the public revenue.’ ”*

In common with all the leading statesmen of the democratic party in the northern states, Mr. Wright was much opposed to the movements and proceedings of the abolitionists. While a member of the Senate, he uniformly voted, either to lay on the table, or to refuse to receive, petitions for the abolition of slavery in the District of Columbia. He supported the bill, which passed the Senate in 1836, designed to prevent the transmission of abolition tracts and pamphlets through the mails in the southern states. His opinions on the subject of slavery were more clearly indicated, perhaps, by his course at the session of 1837-8. He voted at this session, with Mr. Clay and other prominent

* Life of Silas Wright, p. 122.

senators of both parties,* in favor of a resolution declaring that any interference, on the part of the citizens of other sections of the Union, with slavery in the District of Columbia, endangered the rights of the citizens of the district, violated the implied faith in which the cession was made by Maryland and Virginia, and would disturb and endanger the Union. He also supported a resolution offered by Mr. Clay, affirming that it would be injudicious to interfere with slavery in the territories—that such interference would be a violation of faith toward those who had been permitted to settle and hold slaves there—and that the inhabitants would be exclusively entitled to decide the question, when admitted into the Union.

It will thus be seen, that Mr. Wright approved of the doctrine of non-interference, generally held by the members of his party, upon the subject of slavery ; and it is not believed that his views were ever afterward changed. He approved of the principle of the “ Wilmot Proviso,” in 1845–6 ; but a new question was then presented, which was, whether slavery should be per-

* A similar remark in my “ Life of Silas Wright” has elicited the indignation of Mr. Hammond, (*Political History of New York*, vol. iii. p. 174) ; and he affects to misunderstand the meaning which I designed to convey. He supposes that I wished to justify Mr. Wright’s vote, on the ground that Mr. Clay voted in the same manner. So far from this, I saw nothing that needed justification ; and my only object was to show, that all the great statesmen of the country, of both political parties, occupied common ground, in upholding the integrity of the Union and the compromises of the constitution.

mitted to extend itself to the territory acquired from Mexico. To this extension he was opposed,—but equally so, to any interference with that institution where it already existed with the implied or expressed assent of the government. In the abstract, totally disapproving of slavery, he nevertheless voted for the admission of Arkansas and Florida, both slave states, into the confederacy ; and he did not oppose the annexation of Texas, for the reason that slavery had an existence there, but for other and entirely different reasons.

On the 4th of July, 1839, he delivered the oration at the celebration in Canton, in which he took occasion to give utterance to his views upon the abolition question. “If,” said he, “there be those among us, who, misled by a mistaken sympathy, or by sudden excitement, upon any subject, are forgetting their obligations to the whole country, to the constitution, and the Union, let us use every effort of persuasion and example to awaken them to a sense of their dangerous error. If those, who, for the sake of private interest, personal ambition, or momentary political success, are willing to experiment upon the public passions, to treat lightly their constitutional obligations, to foment sectional jealousies, and raise up geographical distinctions within the Union, let the absence of our countenance and support convince such, that the personal gratification, or public services of any living man, are not objects of sufficient magnitude to be gained at the expense

of the harmony of the country, the peace of the Union, or a single letter in the list of our constitutional duties."

He approved of the principles of the bankrupt law recommended by Mr. Van Buren, but opposed that which was afterward enacted, under the administration of Mr. Tyler. All the great measures in regard to the public lands, brought forward and supported by the democrats in Congress, during the administration of Mr. Van Buren, received his approbation. He opposed the various bills making compensation for French spoliations prior to 1800, which were considered during his term of service in the Senate. His advocacy of a hard-money currency in the operations of the government was sincere, and he exhibited great ability in discussing this, as he always did other financial questions. His best and most elaborate speech advocating a return to a specie currency, was delivered on the 16th of May, 1838.

In 1837, he voted in favor of the recognition of Texan independence, but against the proposition to annex Texas to the United States, made in 1838. Still in the Senate, in 1844, he opposed the ratification of the treaty of annexation concluded under the auspices of Mr. Tyler. His objections to this measure were, not that the acquisition of Texas was undesirable, but because the claims of Mexico were not first disposed of by means of a negotiation with her; because the boundaries of Texas were not settled by the treaty, but were left undetermined, and, therefore, by implication,

sanctioned the claim which she had made to territory the title to which was a matter of doubt ; and because it was alleged, by Mr. Calhoun, who concluded the treaty on the part of the United States, that the object of annexing Texas was to strengthen and secure the slave interest. The Senate did not ratify the treaty, and Texas was afterward annexed by joint resolutions, embracing an alternative proposition making provision for a negotiation. He was not then in the Senate, but, had he been, it is very probable he would have voted for the resolutions.

He was always fearful that the annexation of Texas, without a prior negotiation with Mexico, would occasion hostilities with that government, and his fears were ultimately realized. The war found him in the executive chair of New York, but he contributed, to the extent of his power and influence, to the support of the general administration in the measures adopted for its prosecution.

In 1840, he supported Mr. Van Buren for reëlection, and during the canvass delivered a number of effective speeches from the stump. But the efforts of himself and other friends of the president proved unavailing, and General Harrison was declared the successful candidate.

Mr. Wright opposed the project for a national bank, the distribution of the revenue arising from the public lands, and all the great measures brought forward by the whig majority in the 27th Congress. He voted for the

tariff law of 1842, however ; not for the reason that he approved of a high protective tariff, but solely because it was the only revenue measure proposed, and if it were not passed, the government would be bankrupt. Under the administration of Mr. Polk, a new tariff law was enacted, known as " the tariff of 1846," which, in all its essential features, harmonized with the views of Mr. Wright.

Notwithstanding his warm approbation of the bank vetoes of President Tyler, Mr. Wright was unwilling to be classed among the particular friends of that gentleman. He choose to remain aloof from all cliques or factions, contenting himself with the faithful and conscientious discharge of his senatorial duties.

In February, 1843, Mr. Wright was once more re-elected. Not the least opposition was now offered to him, and he was unanimously nominated in the legislative caucus, on the first ballot. In January, 1844, the office of Associate Justice of the Supreme Court of the United States, made vacant by the death of Smith Thompson, was tendered to him by President Tyler, but he preferred to remain in the Senate and therefore, declined its acceptance.

He was ardently desirous that Mr. Van Buren should receive the nomination for president in 1844, but he cordially acquiesced in the decision of the Baltimore convention. He was himself nominated, in the first place, for vice-president on the same ticket with Mr. Polk, and that by the unanimous voice of the conven-

tion; but as his friend, Mr. Van Buren, had been the choice of New York for the first office, and as the latter had not been nominated because of his opposition to the immediate annexation of Texas, in which he concurred, he refused to accept the nomination. Still, he gave his hearty support to the democratic candidates.

Several months previous, he had been solicited to accept the nomination for governor of New York, by the leading radical members of the Legislature; but he steadily and uniformly refused to permit his name to be used, with his consent or approbation, in opposition to the incumbent, Governor Bouck. Such was the dissatisfaction, however, existing among the democrats in the state, that the public sentiment of the party appeared to be adverse to the renomination of Governor Bouck, and in favor of the selection of Mr. Wright, who had not been identified with the existing divisions and dissensions, as his successor.

At the democratic state convention, held at Syracuse on the 4th of September, Mr. Wright was nominated for governor, on the first or informal ballot, by a vote of ninety-five to thirty for Mr. Bouck. The nomination was then made unanimous, with the hearty concurrence of the friends of the latter; and the whole party, united in its energies and efforts, went into the canvass with a spirit and energy indicative of the success that awaited it. Associated with Mr. Wright, on the democratic ticket, as the candidate for lieutenant-governor, was Addison Gardiner, of Monroe county.

Millard Fillmore, of Erie county, deservedly one of the most popular men in the state, and the present chief magistrate of the Union, was the opposing candidate for governor ; and Samuel J. Wilkin, of Orange county, was supported by the Whigs for lieutenant-governor.

The contest was an animated one. The whig candidates in the state and nation enjoyed a high degree of popularity, and were sustained with great enthusiasm. The nomination of Mr. Wright secured the vote of New York for the democratic ticket, and that vote decided the presidential question. The democratic electoral ticket succeeded in this state by a little over five thousand majority, but the majority of Mr. Wright over his opponent exceeded ten thousand. He did not again take his seat in the Senate, but resigned it, in the month of November, shortly after the election.

In regard to questions of state policy, he was well known to agree, in the main, with the radical democrats, consequently, no one was surprised, on the appearance of his first message, in January, 1845, to find that he endorsed the law of 1842 to the fullest extent. But most of the radicals were now committed in favor of a convention to revise the constitution, for the purpose, more particularly, of incorporating the guaranties, pledges, and restrictions, of that act, into the fundamental law of the state. Governor Wright was not prepared to approve of the convention project ; he was of the opinion that all desirable amendments could

be made through the agency of the Legislature, and so expressed himself in his message. He stated, however, that if those amendments were not made, the necessity for a convention would be more urgent, and probably might be necessary.

He found the peace of the state disturbed by the forcible resistance offered to the execution of the laws, by the anti-renters in Columbia, Delaware, and other counties. He approved of Governor Bouck's course in ordering out the militia to put an end to the disturbances in Columbia county; and during his whole administration, pursued a firm and decided policy, in availing himself of all his official power and influence, to preserve the public tranquillity, and to maintain the integrity and supremacy of the law. In 1845, he recommended the passage of laws to prohibit persons from wearing disguises, and to authorize the governor to declare a county in a state of insurrection under certain circumstances, and to call out an armed force to suppress it; these laws were promptly enacted by the Legislature at the session of 1845. In August, 1845, one of the deputies of the sheriff of Delaware county was murdered by the anti-renters, and this outrage was followed by other alarming violations of law and order. He immediately issued his proclamation, in accordance with the act of 1845, and ordered out a military force. The insurrection was quelled; a number of the anti-renters who were present, disguised as Indians, at the time of the murder in Delaware county,

were arrested, tried, and convicted. Two persons were found guilty of the murder, as accessories, though it appeared that they did not actually commit it. For this reason, and at the request of the jurors by whom they were convicted, Governor Wright commuted their punishment to imprisonment for life.

He was urgently solicited to pardon all the anti-renters, upon the ground that their offences were political ; but he firmly refused, up to the last hour of his official term. Yet, at the same time, he freely expressed his disapprobation of the manorial tenures, and his sincere wish that a system so inconsistent with the other institutions of the state, could be done away, in some amicable, legal, and constitutional manner, and the tenants become the owners in fee of the land which they occupied.

It is quite evident, that it was the desire of Mr. Wright, when he entered upon the office of governor, to pursue a middle course between the radical and conservative democrats, and, so far as that was possible with the maintenance of his own views and principles upon important questions, to conciliate the favor and good-will of both factions. As in the case of Governor Bouck, this was his great mistake. So much bitterness of feeling had been engendered, that it was impossible for them to harmonize ; and his true course should have been, to identify himself with the radicals on the start, as he afterward did, though it was

then too late to be productive of anything but disaster to his political fortunes.

The leading radicals were not at all satisfied with his position and course when he first became governor. They doubted and distrusted him. They wished him to reorganize the democratic party, and to place himself at its head, as Mr. Van Buren had done in 1820. But he had not the nerve to undertake this,—not the tact to accomplish it. He understood men perfectly, but did not know how to use them. He was a statesman, not a managing politician. He lacked policy. He was Cato, not Cæsar. Like the geologist, he knew the properties of his materials, but he had not the skill of the artist to mould them into shape and comeliness.

In the Legislature of 1845, the two factions were about equal in point of numbers, but a large portion of the members belonging to either side were moderate men, and would have followed Governor Wright if he had identified himself with either. But they saw he was neutral, and of course followed their own preferences, till they became interested and decided in maintaining them, and could no longer be influenced, except in favor of the faction to which they belonged. The course of Mr. Wright in opposing a convention in his message, strengthened the conservatives a great deal; indeed, it was everything to them. The constitutional amendments which had been so often proposed, and by which it was designed to make the pledges and guaranties of the act of 1842 a part of the constitu-

tion, were defeated, as they required a vote of two thirds, by the whigs of the Legislature, who now, also, advocated a convention to revise the constitution. The conservatives, or hunkers, then consented to go with the radicals in support of a convention, provided all the amendments made should be required to be submitted separately to the people. In this respect, too, they had the sympathy of Governor Wright; but by going with them thus far, it only increased their unfriendliness of feeling toward him, when he determined to approve the convention bill as it at length passed the Legislature, with the separate submission feature excluded by the votes of the whig, and radical members. In this shape the bill became a law, and he was now connected and associated with the radical interest. His identification with them was made complete, by his veto of the canal bill which passed the Legislature, with the votes of the whigs and conservatives, in 1845, making appropriations, among others, for continuing the work on the unfinished canals, which, in his opinion, conflicted with the law of 1842.

Governor Wright was at length identified with the radicals, but he had made the conservatives his enemies. The two factions could not agree upon a legislative address and resolutions at the close of the session of 1845; and from this time forward, the war between them was conducted with even greater spirit and bitterness than before.

In his annual message in 1846, Governor Wright

repeated the same views in regard to the financial policy of the state, which he had advocated in his report in the New York Senate, in his message at the previous session, and in the veto of the canal bill. The anti-rent excitement had now measurably subsided, and he recommended the abolition of distress for rent on all leases thereafter executed, the taxation of the income of landlords, and the restriction of the duration of leases to five or ten years. These recommendations were approved by the Legislature, and laws were passed in accordance therewith, except that the time of leases was not restricted, though this was afterward done by the constitution of 1846.

But little business of a general character was transacted by the Legislature of 1846, in consequence of the anticipated constitutional convention to be held in June following. The sitting of this convention was the great event of the last year of his administration, and the revised constitution which they presented to the electors of the state met with his hearty approbation. He was particularly gratified with the incorporation of the leading and most important principles of the law of 1842 in the new constitution.

Open opposition to Governor Wright personally, was not exhibited by the conservative democrats, or hunkers, although the radicals, or barnburners, claimed to be his particular friends. Such was the influence of his name, and his wide-spread popularity, that more than nine tenths of the members of the democratic

state convention held in the fall of 1846, were in favor of his renomination. He was, accordingly, again presented, with apparent unanimity, as the democratic candidate for governor. Mr. Gardiner was also renominated. John Young, of Livingston county, and Hamilton Fish, of the city of New York, were the opposing candidates.

The result of the election was not a matter of much doubt. The murmurs of the hunkers were not loud, but deep, and in some counties, a great number of them either erased his name from the democratic ticket, or supported the opposing candidate. Mr. Wright's refusal to pardon the anti-renters, or to pledge himself to do so if he were reëlected, prevented his receiving the support of their friends, who voted for Messrs. Young and Gardiner. Both these gentlemen were consequently elected,—the majority of Mr. Young over Governor Wright exceeding eleven thousand.

His defeat was not unexpected to Mr. Wright. When he consented to accept the gubernatorial nomination, he anticipated just such a result, if he should be a candidate for a second election. He was not, therefore, either chagrined or disappointed; but at the close of his term, retired to his residence at Canton, and busied himself in the improvement of a farm which he had recently purchased.

But the eyes of his countrymen, in all parts of the Union, were fixed upon him. His senatorial honors were far too brilliant to be dimmed by a defeat occa-

sioned by the divisions of his party. In several of the most distant states, he had been nominated as a candidate for the next presidency, in the columns of leading democratic journals; but all the hopes of his friends, and the aspirations of his ambition, if such he had, were blasted, by his sudden death, which took place at Canton, on the 27th day of August, 1847.

Ever since his return from Albany, he had been constantly engaged in working upon his farm, like any common laborer. The land was new, and he had worked considerably in digging and clearing out ditches, and in other occupations that required a stooping position. He also did his share of the labor in the harvest-field, and seemed never so happy as now, since he had laid aside the robes of office, and, like Cincinnatus, was enjoying himself, in the noble employment of cultivating the soil. After working hard during the day, he spent his evenings in conducting his extensive correspondence, and for two or three weeks previous to his death, in preparing an address to be delivered before the State Agricultural Society at the annual fair. This address was completed, and was read before the society, by his friend John A. Dix. It is a most able production, and is mainly confined to the discussion of the question, whether the consumption of the country equalled, or would probably equal in any calculable period, its agricultural production, and, inferentially, to the effect of a high protective tariff upon the exporting or farming interest.

His death was occasioned by the disease of the heart, or blood-vessels connected with it, known among medical men as *angina pectoris*, to which he was probably constitutionally inclined, and which was developed or hastened in its effect, by over-exertion and fatigue during the summer.

"In person, Mr. Wright was large and muscular, hale and vigorous. His stature was about five feet and nine or ten inches. His complexion was florid; his hair a light brown; and his eyes of a bluish gray. Constant exercise in early youth had developed his form, and rendered him hearty and robust. He was somewhat inclined to corpulency in later years, but not by any means what could be called gross. He was aware of the plethoric tendency of his constitution, and for that reason, probably, devoted more of his leisure time to manual labor than he otherwise would have done. He dressed quite plainly, and was simple in all his habits. He usually enjoyed excellent health; except in the fall of 1834, he was never known to be seriously ill, until the fatal attack that terminated his existence.

"In his domestic relations, he was everything that could be desired—a tender and affectionate husband—a faithful and devoted friend. He had no children. As has been beautifully said of Washington and Jackson—'Providence denied him these, that he might the better serve his country;' or, as he himself expressed it, 'that he might be a father to the children of his

friends!' His manners were affable, and his address pleasing and agreeable. He never forgot the dignity of his position or of his character; but he always had a kind word and a cheerful smile to greet those who visited him. As a citizen, he was generous and public-spirited, and the influence of his example was upon the side of morality and good order. Says one who knew him intimately for many years: 'In his social intercourse, I never heard him utter an unchaste word, or an immoral sentiment. Whenever he returned from his public positions, to the place of his residence, he returned to the simple, frugal, and industrious habits of a New England farmer, and to the kind and neighborly offices which so eminently distinguished the early rural population of our pilgrim fathers.'

"In the public schools and seminaries of learning, in his own county, and in the state at large, he took a deep interest. Anything designed to increase the happiness, or promote the prosperity, of his fellow-citizens, was sure to receive his patronage and encouragement. He was not in affluent circumstances, yet he possessed what to one of his moderate wants, was a competency. Though he had filled many high offices, and occupied situations which afforded him frequent opportunities for the acquisition of wealth, his thoughts were directed to other, and, unless riches are sought in the proper spirit, to what may be called nobler purposes. His punctuality was proverbial. After he became a member of the Senate, his correspondence was

extensive, and often proved a great tax to him, in time, if not in money. But he was never forgetful of those who addressed him, and invariably adhered to his rule, not to leave a letter unanswered for a single day, except where the nature of the subject required a lengthy and deliberate reply.

“Silas Wright was not an orator—that is, he would not have been termed eloquent, in the common acceptation of the word. There was no attempt at display in his manner, nor rhetorical embellishment in his language; but he was an able and intelligent speaker. He had not the graceful delivery of Clay, or the emphatic earnestness of Calhoun; yet there was a subdued enthusiasm in his style of speaking that was irresistibly captivating; and though his voice was not pleasant, this was almost instantly forgotten in the beauty of his argument. There was nothing declamatory about him. He appealed to no man's passions or prejudices. He was cool and collected, and carefully preserved his own equanimity, while he avoided giving offence, or provoking ill-feeling. He spoke slowly, but distinctly and fluently, and with evident care and deliberation. His hearers were charmed; and listened, but to be charmed again. Every word seemed to issue forth at the proper time, and in the proper place. All was clear, forcible, logical and persuasive.

“He was not destitute of ambition; but his was not that low and grovelling passion which seeks its gratifi-

cation in the present—it was rather that nobler, and purer, and loftier sentiment, which is directed to higher ends and higher aims ; which strives for the welfare of one's country and race ; and looks to the future, not over-confident, but trustful and hopeful, for a sure reward. He was totally devoid of selfishness. During the administrations of Jackson and Van Buren, he might have commanded some of the most lucrative offices in the gift of the national executive, but he asked for none of them ; and when they were tendered to him, he put them aside, not as Cæsar put aside the crown, to have them urged upon him, but because he was content to remain where he was, in the Senate. The sterling qualities of his mind, peculiarly fitted him for the sphere in which he moved. It has been said, that “the book of a statesman is the human heart.” No one perused it more attentively than he. His foresight and sagacity were remarkable. He was a sound and careful thinker—clear-headed, practical, and discreet. His mind was evenly balanced and well disciplined. Success was not followed by a lack of caution ; and danger did not intimidate him. Like the sturdy Alpine hunter, with the mountain-torrent dashing beneath his feet, and the dreaded avalanche thundering in the distance, he was not indifferent to peril, but firmly and calmly prepared to meet it. Politics appeared to him to be a science worthy of the best energies of his mind, and he sought, in his life and conduct, to give it that elevated character which it de-

served. He belonged to a higher grade of politicians—he was a statesman.”*

He has left behind him an honored and an honorable name among American statesmen. “Celebrated men,” said Napoleon, “lose on a close view.” It was not so in the case of Mr. Wright. The more critical the examination of his character, the more beauties are disclosed. There is a fullness, a completeness, a symmetry, about it, which, like a piece of statuary of perfect proportions, charms, interests, and excites feelings of admiration. He possessed rare intellectual faculties, rather imitative, perhaps, than creative; but his mind was capacious, and had a striking amplitude of comprehension.

He looked for models of statesmanship to republican Rome, and preferred to be Cato, or Cincinnatus, rather than Shaftesbury or Sunderland. Like Montague and Walpole, he was a skilful financier, but how much did he improve upon the authors of the funding system and the excise scheme! He maintained, throughout his life, a high character for integrity in his public and private relations. He was not a daring politician, and never struck out in advance of his party; yet he never opposed useful and needed reform. In this respect he was both a conservative and a radical. A rigid party man, he was, nevertheless, an honest legislator; one who kept the great end of legislation, the welfare of the people, constantly in his view.

* Life of Silas Wright, p. 259 et seq.





JOHN YOUNG.

Thirteenth Governor of New York.

Lith. F. Mohr, N. Y.

JOHN YOUNG.

LIKE his distinguished predecessor in the chair of state, this gentleman came from Vermont to New York. He is a native of the former state, and was born in the year 1802. His father, Thomas Young, emigrated from Vermont when he was a lad, and settled in the town of Conesus, Livingston county, where he at present resides. For many years he kept a public-house in that town, but during the latter part of his life has cultivated the farm which he now owns and occupies. Though a man of rather eccentric character, he possesses extraordinary good sense; and in his younger days, was conspicuous for his enterprise and perseverance. He had just those qualities, in a word, which fitted him for one of the pioneers of western New York; and which, in the evening of his life, he can see manifested and developed by his son, in a different career, and under different circumstances. His wife, the mother of the governor, is said by all who know her, to be an amiable and excellent woman; and both she and her husband, are highly respected and esteemed, in the circle of their acquaintance, for their intelligence, and for their traits of mind and character.

JOHN YOUNG was their only child, and as may well be presumed, no advantages were denied him, that could serve to bring out and strengthen those germs of talent, which constituted the budding promise of his earlier years, and, now that they are fully ripened and matured, are regarded with so much satisfaction by his numerous friends.

But the circumstances of his father were moderate, indeed humble. He had not the pecuniary ability to bestow a finished education upon his son, but he furnished his mind as liberally as his means would permit, taught him the duty of self-reliance, and sent him forth into the world with his blessing, to achieve his own fortunes, and to carve out a destiny for himself. He received his early, and his only education, at the common schools—which were common enough in those days—chiefly in the town of Conesus, where his parents resided.

His youthful ambition had fixed his hopes and desires upon the profession of the law; but he was unable to gratify them till he reached man's estate. Having once determined on his course, however, no obstacles were allowed to interfere with, or to prevent, the accomplishment of his desires. Before him was the goal on which his thoughts were fixed; all his energies were directed toward the attainment of his wishes; and the difficulties that occasionally sprung up in his path, only sharpened the zest and increased the eagerness, with which he prosecuted his preliminary studies.

In 1823, he commenced the study of the law in the office of Augustus A. Bennett, a highly respectable lawyer, at East Avon, in Livingston county. Unwilling to be a burden upon his father, he supported himself while reading law, by teaching a common school, and the customary practice in justices' courts which usually falls to the lot of students. His clerkship was completed at Geneseo, the county-seat of Livingston, in the office of Ambrose Bennett, a prominent member of the bar in that county, and, till his death, which took place in 1833, a leading and active politician.

Mr. Young was admitted to the bar of the Supreme Court in 1829, having been previously admitted as an attorney of the Livingston Common Pleas, and immediately commenced practice at Geneseo, where he continued to reside till his election to the office of governor. His professional success was alike flattering to his talents and his character. Possessing remarkable shrewdness and perseverance, a thorough knowledge of human nature, good common sense,—native talents above mediocrity, developed and invigorated by the experience to which the character of a self-made man must always be subjected—together with integrity, fidelity, and industry, he was well fitted to encounter the difficulties and embarrassments incident to a professional career, and to achieve the triumphs which await desert like that which he exhibited. Political and personal considerations, in a majority of cases, influence the opinions of the people of a county

in regard to the members of their bar. It cannot be said, therefore, that Mr. Young was placed, by general consent, at the head of his profession in Livingston county; others had their friends and admirers, as well as himself,—yet it is true, that every one conceded to him a place in the very front rank, while he remained in practice.

He was an active politician in early life. His friend, Mr. Bennett, was a democrat and a Jackson man; and Mr. Young's predilections when he first became a voter inclined him to support the measures and the candidates of the republican or democratic party. Becoming well and widely known to the citizens of the county, while engaged in the study of the law, he was nominated as the democratic candidate for county clerk in the fall of 1828, but was defeated by the antimasonic and opposition candidate. At this election he supported General Jackson and Mr. Van Buren, with his accustomed energy and activity.

From the first, he had disapproved of the outrage committed by some of the members of the masonic society in the abduction of Morgan; he believed the institution to be exceedingly dangerous in its tendency; and from agreeing and sympathizing with the anti-masons in these general views, it was easy for him to associate himself with the new party which was about this time formed in western New York. The district of country in which he resided was thoroughly infected with antimasonry, and many of the most active Jack-

son men attached themselves to the antimasonic party at the time of, or soon after, its first organization. It was, in truth, made up of all parties, and contained men who had been the most decidedly opposed to each other upon the general questions which had before divided political parties.

In 1829, he connected himself with the antimasonic party, and adhered to its fortunes with fidelity, amid all its changes and vicissitudes, till it united with the old national republicans, and formed the present whig organization. From 1828 to 1837, he held several minor town offices, the duties of which were discharged with ability and promptitude. In 1831, he was one of the antimasonic candidates for the assembly, his colleague being George W. Patterson, late lieutenant-governor of the state. The antimasons were largely in the ascendant in Livingston county, and no serious opposition was offered to their candidates for the Legislature, both of whom were elected.

Mr. Young was appointed a member of the judiciary committee in the Assembly, and took a high stand in the little band of his political friends who had been chosen to this Legislature. Francis Granger, however, was the champion and leader of the antimasonic phalanx, and those members who were less known and less experienced, did not have that opportunity for distinguishing themselves which would otherwise have been presented. Mr. Young occasionally took part in the debates, and always acquitted himself in a credit-

able manner. He opposed the passage of the resolutions declaring that the charter of the United States Bank ought not to be renewed, and voted against the bill increasing the salaries of the judicial officers of the state. The Chenango Canal bill, which passed the Senate at this session, but was lost in the Assembly, received his support and his vote.

He was not again a candidate for the popular suffrage till the memorable contest of 1840; having, in the meantime, been actively and honorably engaged in the successful practice of his profession. In 1840, he was the whig candidate for member of Congress from the thirtieth district, embracing the counties of Livingston and Allegany, and succeeded over his democratic opponent by about two thousand majority; a result which may be attributed, in a good degree, to his own personal exertions in supporting and defending the principles and the candidates of his party, in Livingston county. Its firm adhesion to the whig cause has in times past been proverbial, and its fidelity in this respect is both an imitation of his own character, and one of the results of his efforts.

In May, 1841, he took his seat as a member of the 27th Congress. While in the House of Representatives, he did not distinguish himself so much by the number or ability of his speeches, as by his labors in the committee room, and his sagacious advice in regard to the movements and policy of his party. The bank bills vetoed by President Tyler, the distribution of the

proceeds of the public lands, and the tariff law of 1842, received his warm support and approbation ; and when all, or nearly all, the great measures of the whig party were defeated, by the impracticability of Mr. Tyler, he most cheerfully affixed his signature to the able manifesto, in which the whig members of the 27th Congress justified the measures they had advocated, and the course they had pursued.

At the close of this Congress, Mr. Young once more returned to private life, and to the cares and duties of his profession ; but in 1844 he was again summoned from his retirement, and in deference to the repeatedly-expressed wishes of his political friends in Livingston county, consented to accept the whig nomination for member of Assembly. He was, of course, elected ; and no one occupied a higher or more flattering position in the Legislature of 1845, than himself.

He had early avowed himself in favor of the proposition to call a convention to revise the constitution. Many leading members of the whig party exhibited a great degree of reluctance in advocating this measure ; but by means of his arguments and persuasions, all his political friends in the Legislature, with one or two exceptions, were ultimately brought to adopt his views. The whigs held the balance of power in the Legislature, and, under his lead and direction, no means were left untried or unemployed, that promised to widen the breach between the two factions. His tact and management were admirable. The whigs voted against

the proposed amendments of the constitution, which the radicals had so long advocated, and thus compelled the latter to insist upon a convention. When the conservatives proposed to go for the convention bill, provided that all amendments made by the convention should be submitted separately to the people; the whigs opposed this proposition, and, with the aid of the radicals, defeated it.

Mr. Young made a number of able speeches during the progress of the convention bill through the House, mainly in reply to Horatio Seymour, the speaker of the Assembly, and the leader of the conservatives, or hunkers, in that body. From his two principal speeches on this question, the following extracts are taken, as affording the best specimens of the character of his parliamentary eloquence :

“The gentleman [Mr. Seymour] said he was in favor of retaining this instrument in its present form, because it had sustained for sixteen years, with the exception of two administrations, the party to which he belongs. I am not in favor of any constitution because it tends to sustain *any* particular party organization, and which looks to party for protection ; and I cannot believe, that he is in its favor for such reason. Will he say again, that because the ‘democratic’ party, as *he* calls it, though I do not acknowledge it to be such, has sustained itself for sixteen years, that is *the* reason why he would not alter the constitution ? Has it come to this ?—that a statesman, learned, intelligent, distinguished, familiar with questions of constitutional law, in open day, not only acts from such motives, but tears off the mask and tells the world, that we are to make a constitution in reference to party advantages ? He surely cannot mean this. Let him ask the hardworking and intelligent mechanic, what is the purpose of a constitution ; will

he reply that such is its object? Ask the farmer—the bone and sinew of the country—as in the soft twilight of summer he sees the lambs skipping on the green lawn, if it is for party purposes that he wants a constitution? Or in the autumn, when his granaries are full, and he offers thanksgivings;—and what will be his answer? * * *

“And yet, in the bosom of that gentleman there breathes the most generous emotions. Those hands have been stretched out for the relief of human suffering. It is not the man’s, it is the party madness of the day,—a madness that, forgetting the future, looks not beyond the day. But to those men who look to their posterity, and, as they see the stream grow wider and deeper as it flows on to the great ocean of the future, feel that their blood there flows,—I send him there to ask, if they would frame a constitution to favor party? They will respond, we would frame constitutions for ourselves and for our children. * *

“When was it that we first sought to agitate this question? We had just passed through a political campaign, in which we had been overthrown. That was not our fault, but our misfortune. We felt the weight which had fallen upon us by the great victory which you had attained over us. But we then thought—how justly, others must judge,—that overthrown as we were, we might still speak, think, and utter our thoughts, too, if there was nothing in them which the laws of the country and of propriety forbade. How did we find you? There was another circumstance known to us,—for this was not the first time we knew you. We knew of the contest at Syracuse, where you were divided. When we came here, you met us with the proud claim that you were again allied. We saw you—I now address that branch of the party supposed to be in favor of a convention—marching up to Syracuse in your strength, and overthrowing those allies that now come here and tell us not to agitate this question. We had seen more. The branch of the party to which I believe you, sir, (addressing the chairman, Mr. Bevens, a hunker,) are attached, was overthrown by that to which the gentleman from Westchester *was* attached, if rumor and his early acts at this session can be relied on. This was your condition at Syracuse, but we could not tell what results would flow from your action. We saw you grapple with a foe fully your equal, and

though you overthrew your antagonists for the day, and Vly Summit was clothed in mourning ; yet if you had paid much attention to the attendant circumstances, you would have found that 'pomp was the funeral, the black the woe.' The funeral knell, if it was sounded, scarcely reached the first farmhouse. And while you were on that night engaged in the revel—nay, for aught I know, when you had brought out the golden vessels, an ordinary perception might have seen not only the handwriting upon the wall, but the whole person, proclaiming what subsequent events proved to be too true, that on that night should Belshazzar the king be slain. If you had then looked into the camp of your adversaries, you would have heard the noise of mirth drowning the funeral dirge. They looked forward to an event, which *you* see clearly now, when he, whom you called the Cato of America, should be one of them. They appreciated the man better than you, and they felt that while they had lost nothing, you had indeed lost your general. This was your condition. * * *

"There is another remark in that speech (alluding to a speech delivered by Mr. Seymour) to which I listened with mingled pain and pleasure. He asserted that the party with whom he acts, would be unanimous on this question of a convention. He was then in the hey-day of power, and I thought,—and I beg pardon of my barnburning friends for entertaining the suspicion,—that he would be able to make the party unanimous.

"I thought I saw givings away in some quarters. I regarded your forces as scattered in the early part of the session, and I feared there would be nothing left. I knew that the Oneida chief whom you had defeated, was not annihilated, but was still hanging around your outposts, and once your vote in this house appeared to indicate that the real friends of a convention were few indeed. But the gentleman evinced too clearly in his speech on Saturday, that after all his discipline and machinery, he had been compelled to surrender, and we heard him asking for quarter. It was painful to witness a spirit so proud thus crushed. Then I thought I could look into another place, and as he paced his own chamber with nervous tread, I could catch some broken fragments of his expressions in retirement,—for thoughts will

sometimes come unbidden to the lips. Long he struggled against his fate before he was brought to submit to the state of things surrounding him. The great captain was defeated, and I thought I would hear many of the expressions of his wounded spirit. I thought I heard him say, 'I have done much, have worked long, and have labored hard for my party'—and I could hear no more. Then I thought I heard another fragment from his lips, and it was in the words of the great poet—

'If I had served my God with half the zeal
I've served my king'—

and there that sentence ended. I thought I heard other things, and as he repeated the word 'Saratoga,' a pang shot across his face, and I heard him say—

'Stab'dst me in my prime of youth
At Tewksbury.'

"He was not speaking of the battle of Saratoga, but of a certain convention in the fifth senate district, and then his feelings of nervous excitement seemed still stronger. This was not all I heard. In his imagination, he saw not merely a handwriting upon the wall, but the full length of a living, breathing man. His gray hair hung in curls upon his shoulders. I heard nothing then, for he said nothing. The countenance of that old man was familiar to that gentleman, and it was the last face he wished to see at such an hour. I listened, for I thought in that great struggle I might hear him pronounce the Roman name of Cato. But prostrate and fallen as he seemed to regard himself, even then he had no fear of Cato. The scene passed by, and let us return from that chamber to this hall. The advice which he gave for my benefit, looked only to political life for reward. I thanked him for his good wishes, but my road lies another way. I have a single word to say to him. There is much of him to cultivate for good. He has shown himself the possessor of high and brilliant talents, and if he would forget party, and turn aside his passion for place and power, and the narrow path of party discipline and tactics—tear away the drapery

he has thrown around himself, and stand out his own living self, breathing out the purposes of his generous heart, I hope I shall live to see that gentleman occupying the highest station that his ambition may desire."

Mr. Young was the Ajax of his party during the debate on the convention bill. He led and marshalled them; and under his auspices, though in a minority, they controlled the action of the Legislature. He opposed with all his ability the attempt to ingraft the separate submission feature upon the convention bill. He saw the whig party of the state and nation prostrated and disheartened, in consequence of the defection of Mr. Tyler, and he was ambitious to aid in restoring its ascendancy. This object he did not conceal nor deny. Important amendments to the constitution, which, if adopted, would change its whole frame-work and character, were urged with more or less earnestness by the different parties and factions. It was very evident that a large majority of the people of the state desired to have some or all of these amendments made, and the history of the convention of 1821 pointed out distinctly and clearly the fate that would await those politicians who opposed popular reforms. It was his wish, therefore, as he has himself said,* "to popularize and republicanize" the whig party, and thus add to their strength; and in no way could this be so effectually done, as by insisting on a convention with unlimited powers, in which his whig friends might have the

* Speech at the Banquet in New York, January 18, 1850.

opportunity to advocate the great measures of reform demanded by the people.

The Convention bill finally passed the Assembly, on the 22d of April, 1845, Mr. Young, and the other whig members, with two exceptions, voting in its favor. It was ultimately concurred in by the Senate, and received the approbation of Governor Wright.

At this session, also, Mr. Young supported the canal bill which passed the Legislature and was vetoed by the governor. Indeed, his views and opinions upon the internal improvement policy of New York, have ever harmonized with those of his party; and he has always favored the prosecution of such enterprises, and the construction of such works, as were required to develop the resources of the state. He did not demand, as a condition of his support, that each work should be certain to be immediately profitable, but if it promised to advance the general prosperity, and if, in the end, the pecuniary ability of the state was not impaired, he was content. He regarded the public works together, as a great system; and if, in the aggregate, they were found beneficial and profitable, that, to his mind, was sufficient.

He was again returned to the Assembly, by the whigs of Livingston county, in the fall of 1845, and was supported as the candidate of his party for the speakership; but as the democrats were in the majority, they elected one of their own number. The session of 1846 was not an important one, only so far as

it served to keep alive the divisions in the democratic party. The radicals, as represented in the Legislature, had a majority over the conservatives, and they nominated William Cassidy, one of the editors of the Albany Atlas, as the candidate for State Printer, instead of Edwin Croswell. The conservative friends of the latter now proposed to abolish the office, and to give the public printing to the lowest bidder. This proposition was approved by Mr. Young and his whig friends, and they supported it with their votes, by which the office was abolished, and additional bitterness was imparted to the hostile feelings of the hunkers and barnburners.

In 1844, Mr. Young had approved of the position assumed by his party at the north, with reference to the annexation of Texas, and he was ever decided in his opposition to that measure. He anticipated a war with Mexico; but when it occurred, he was disposed to waive his individual feelings and opinions in regard to the causes which had produced it, and to stand firmly and faithfully by his country in its prosecution. The New York Legislature was upon the point of adjourning, *sine die*, in the spring of 1846, when the intelligence reached Albany, that the armed forces of Mexico and the United States had come in collision on the banks of the Rio Grande. A resolution was immediately introduced in the Assembly, by a democratic member, authorizing the governor to enrol fifty thousand volunteers, to defend the state, or to proceed to the

seat of war, as the honor and dignity of the country required, and appropriating a sum of money to defray all necessary expenses. An effort was made to lay the resolution on the table, but there were only twelve votes in favor of the motion.

Nearly all the whig members, including Mr. Young, voted against laying the resolution on the table, and supported it on its final passage. Previous to its adoption, he made a few remarks explanatory of his position. "I will go for the resolution," said he, "as it is. I would have the opportunity taken to evince the opinion of the Legislature of New York. It is known that I was among those who opposed the annexation of Texas; but that is now a foregone act. Texas is now bone of our bone, flesh of our flesh; and he who invades any portion of her soil, invades our territory—invades a part of the United States. I will advocate the voting of funds—the levying of troops to protect her rights, and to secure her territory from invasion. No man can doubt,—it is now past doubt, that we are in a state of war. The country is invaded,—the rights of our country, of our citizens, have been trampled upon,—and I will sustain the country, 'right or wrong.'"

These remarks were undoubtedly made on the spur of the moment, and without premeditation. But Mr. Young never had reason to regret them. The closing sentiment has often occasioned remark, and not unfrequently censure. Construed, however, in the spirit in

which it was uttered—as indicating the duty of the good citizen to waive his individual opinions when called upon by the action of his government to support it against a foreign power—it is so near akin to patriotism, that it must find a response in the breast of every one who loves his country.

Mr. Young voted for the law abolishing distress for rent, at the session of 1846; and generally by his votes and speeches, indicated his strong disapprobation of the tenures by which the manorial lands were held by the tenants, and his readiness to afford them every aid and protection consistent with the provisions of the constitution. He also expressed himself in favor of amending that instrument, so as to protect them still further, and approved of the changes made by the convention of 1846.

He was not a member of the constitutional convention, but the new constitution, in all its essential features, except the financial article, received his hearty approbation and support.

The distinguished ability which he had evinced, at the legislative sessions of 1845 and 1846, brought him prominently before the people of the state, and gave him an elevated position in his own party. It was well understood, that Mr. Fillmore did not desire to be again a candidate for governor, and the name of Mr. Young was often mentioned in connection with that office, long before the assembling of the whig state convention. That body met at Utica on the 23d

of September, 1846. As in the democratic party, there were two factions among the whigs. The one, headed by Millard Fillmore, Luther Bradish, and John A. Collier, may be called conservative whigs; and the other, or the radical whigs, was led by Ex-Governor Seward, Thurlow Weed and others. The latter were more friendly to abolitionism, and the anti-renters, than the former, and, of course, were influenced in their political action by a strong desire to advance the fortunes of their leader, Mr. Seward. The conservatives, on the other hand, were not partial to Mr. Seward.

Upon the anti-rent question, Mr. Young sympathized with the radical whigs, though Mr. Seward was not an especial favorite with him. In the state convention, however, he was supported by the radicals, and warmly opposed by the conservative whigs, who insisted on supporting Mr. Fillmore in opposition to his wishes. The whig anti-renters finally decided the question of the gubernatorial nomination, by surrendering their own candidate, Ira Harris, and voting for Mr. Young. The latter was nominated for governor on the third ballot, by a vote of seventy-six to forty-five for Mr. Fillmore. Hamilton Fish, of New York, a prominent conservative whig, was then put in nomination for lieutenant-governor, at the instance of Mr. Young's friends, in order to conciliate the faction to which he belonged.

Silas Wright and Addison Gardiner, the incumbents

of the two principal offices in the state, were supported for reëlection by their democratic friends. The anti-renters also held a convention, at which Mr. Young and Mr. Gardiner were nominated as their candidates. The Native Americans, a party opposed to the election of citizens of foreign birth to office, and in favor of amending the naturalization laws so as to require a longer residence in the country on the part of an alien, and which had for the first time taken part in the elections in 1843, also presented candidates for governor and lieutenant-governor ; and the abolitionists, too, entered the field with their ticket.

But the votes of the anti-renters, and the disaffection in the democratic ranks, decided the result of the election. Mr. Young was chosen governor over Mr. Wright, by upward of eleven thousand majority, and Mr. Gardiner, the democratic candidate for lieutenant-governor, succeeded over Mr. Fish.

Governor Young's first annual message, delivered at the opening of the annual session of the Legislature, in January, 1847, was clearly and concisely written. He presented a gratifying picture of the financial condition of the state, but urged the importance to the public interests, in his estimation, of an early completion of the public works. To this end he suggested, that if the provisions of the new constitution were too stringent, they might be amended and modified. The war with Mexico was then a topic widely agitated, and he availed himself of this occasion to repeat the

views he had before advanced in the Legislature of 1846. He reminded the members of the Legislature, that it had imposed "new and delicately interesting duties" upon them. "It may," said he, "and probably will, in its progress, claim further sacrifices from this state, and I will rely with the utmost confidence upon your readiness, as the representatives of a gallant and patriotic people, to discharge with alacrity any duty that may be cast upon you. The country, always indisposed to war, would receive with joy, intelligence of an honorable peace. But to render peace honorable, I think she would demand, and has a right to require, that it shall be accompanied with such indemnity as upon the page of history will be evidence of an acknowledgment by Mexico of the superiority of our arms. But of the character and extent of such indemnity, I may not speak in this communication. With return of peace will come a season for calm deliberation and searching inquiry. The causes, the conduct and result of the war, may be then properly and usefully investigated. But until our enemy shall have been subdued, discussions involving collisions of opinion at home, cannot fail, by exciting false expectations in Mexico, to embarrass negotiations for peace. I confidently trust, therefore, that such discussions will not be allowed to distract your deliberations. So long as there is an enemy in the field, I feel assured that we shall look only to the honor of our flag."

In his second annual message, he repeated the same

general sentiments, both in regard to the war, and the canal and financial policy of the state. During his whole term, the Legislature was mainly occupied in the passage of laws, rendered necessary in order to carry out the provisions of the new constitution. In accordance with the opinions he had expressed, resolutions were adopted at the session of 1847, declaring it to be the imperative duty of every good citizen, to sustain the government in the prosecution of the war, and that no peace would be honorable that did not secure full indemnity for the aggressions of Mexico. About this time, the question of the extension of slavery to the territory, which, it was anticipated, would be acquired from Mexico, began to be agitated; and resolutions were adopted, in the New York Legislature, in 1847 and 1848, which accorded with the views of the governor, instructing the senators and representatives from this state in Congress, to vote for the prohibition of slavery in such territory, by the law providing for the acquisition.

The administration of Governor Young was, in the main, successful. His position was favorable: forasmuch as the constitution had deprived the executive of nearly all the official patronage formerly attached to the office, it was scarcely possible for him to make many enemies by his appointments. He aimed to pursue an entirely independent course in respect to the distribution of the few offices placed at his disposal; and it is said, by his friends, that when the editor

of a leading journal belonging to the Seward, or radical faction, once attempted to influence him in an important appointment, his cutting rebuke—"Mr. —, I am governor!" put an end to all attempts to interfere with him in the performance of his duties.

Soon after he entered upon the office of governor, he pardoned the leading anti-renters, who had been tried and convicted during the administration of Governor Wright, justifying his action upon the ground that their offences were political. His course in this respect did not meet the approbation of the conservative whigs, though it was sufficiently evident, long before the close of his administration, that he heartily sympathized with them upon other questions. His views in regard to the war with Mexico, and his refusal to make his appointments in accordance with the wishes of the friends of Mr. Seward, were not at all satisfactory to them, though no open rupture took place. He did not desire a renomination; consequently, the harmony of the party was not disturbed by any considerations merely personal to himself.

He advocated the nomination and election of General Taylor in 1848, not because he did not heartily and sincerely concur in the political opinions of Henry Clay, nor entertain the highest admiration for his character and talents; but he believed the former to be the most available candidate. So well known were his preferences for Mr. Clay, that after the election of General Taylor, the friends of Mr. Seward op-

posed his appointment to any important office under the new whig administration. His shrewdness and sagacity, however, proved too strong for their influence, and he was appointed Assistant Treasurer in the city of New York, in the place of ex-Governor Bouck, who was removed from the office, and entered upon its duties in July, 1849.

Since then, he has not interfered actively in the political contests of the state, though at no time concealing his opinions on any subject when it seemed to him to be proper to express them. Though he approved of the principle of the Wilmot Proviso, he was well satisfied with the compromise measures adopted, through the instrumentality and efforts of Mr. Clay, at the session of Congress in 1849-50, and rejoiced to see the agitation on the slavery question subside. While he lamented the untimely death of General Taylor, he was glad to see the presidential office filled by his friend, Mr. Fillmore. Cordially approving of his course and measures, he is recognized as a national whig, and is admitted to hold a high position in that faction. He has been recently complimented with a public banquet by his political friends in the city of New York, at which he delivered an able speech reviewing his own political course, expressing his satisfaction at the secession of the national or conservative whigs from the state convention of their party in 1850, and declaring it to be his intention and determination

to follow the distinguished leader of the whig party in the nation, Henry Clay.

"It does not become the biographer," says a writer in the American Encyclopædia, "to pronounce a decisive judgment until the career of his subject is closed ;" and if the merits of Governor Young shall obtain the desert to which, in the opinion of his friends, they are entitled, the better part of his political career is yet before him. Hence, it may not now be appropriate, to present a detailed review of his course and character. A shrewd political tactician, ambitious and enterprising, determined and unyielding, frank and affable in his manners, and with his high talents possessing a simplicity of character calculated to win respect and esteem, and to add to his consideration and popularity, who can say what other honors the future may have in store ?

He was married, in 1833, to Ellen Harris, a daughter of Campbell Harris, of Yorke, Livingston county. They are the parents of four children, who are now living.

HAMILTON FISH.

THIS gentleman is a native of the city of New York, where he was born in the year 1809. His family belongs to the old school, and has ever been held in high consideration, for its standing, wealth, and respectability,—qualities which, in their descendant, have served to place him in an enviable position, and to secure him a large share of popular favor.

He was educated at Columbia College, where he maintained an excellent character for scholarship, and for punctuality in his attendance upon all the collegiate exercises. Having graduated, he commenced the study of the law in his native city, which he pursued with diligence and attention; and at the May term, in 1830, he was examined and admitted as an attorney of the Supreme Court of the State. Three years later, he was regularly enrolled among the counsellors of that court.

Though his natural abilities, improved as they had been by the educational advantages he had enjoyed, eminently fitted him for the career on which he had entered, the cares and responsibilities of a large property that devolved upon him soon after he commenced



HAMILTON FISH.

Fourteenth Governor of New York.

Lith. F. Michelin, M. Nastaus.



practice, prevented him from devoting that time and attention to the legitimate pursuits of his profession, which are necessary to obtain its highest honors. While he continued at the bar, however, his business was both considerable and lucrative, and he was deservedly respected and esteemed, for his talents and his integrity, and for the fidelity and promptitude with which he managed the interests committed to his charge.

He became interested in politics shortly after leaving college; though he has never been a partisan, but has always had the reputation of being a candid, independent, and high-minded politician. He was for several years a commissioner of deeds in and for the city and county of New York, and, having attached himself to the whig party, was presented as one of their candidates for the Assembly, from that city, in the fall of 1837, and was elected by a respectable majority.

His course in the Legislature afforded entire satisfaction to his party friends. He cannot be said to have distinguished himself in debate, but his consistency as a politician, his decision of character, and his business tact and ability, gained him a prominent place among the whig members of the Assembly, and the favorable regard of those to whom he was particularly responsible for his conduct.

In 1842, he was chosen a member of Congress from the sixth district, comprising the upper wards in the city of New York, except the thirteenth and four-

teenth, over John M'Keon, the democratic candidate, who was then representing the district. His majority was small, but his election was considered a great triumph by his friends, as the majority of Governor Bouck over Mr. Seward, in the same district, was about twelve hundred. This result, however, must not be attributed entirely to the personal popularity of Mr. Fish, since it was owing, in a great measure, to the Native American party, whose principles and objects he in the main approved, and who gave him their support at the polls, while they withheld it from the whig candidate for governor.

The same character for ability and usefulness which Mr. Fish enjoyed in the Legislature, he maintained as a member of the 28th Congress. He was a member of the military committee, and discharged all and every duty of his position with commendable punctuality and correctness. Though not preëminent among the many distinguished whig politicians then in Congress, his standing was alike creditable to him, and to the constituency whom he served.

At the close of his term he retired to private life, without any lingering feelings of regret that he no longer occupied an official station. But his numerous political friends in the city of New York were by no means disposed to surrender their claims upon him. Without any solicitation on his part, he was nominated as the whig candidate for lieutenant-governor, at the state convention in 1846, on the same ticket with John

Young. The anti-renters adopted the democratic candidate, and he was elected over Mr. Fish by upward of thirteen thousand majority.

The latter was a candidate for the same office, at the November election in 1847, to fill the vacancy occasioned by the resignation of Mr. Gardiner. The whig ticket succeeded on this occasion, by a very large majority, averaging about thirty thousand, in consequence of the divisions in the democratic party. Mr. Fish presided over the state Senate, at the legislative session of 1848, winning "golden opinions from all sorts of men," by his gentlemanly courtesy and dignified urbanity.

Mr. Young was not a candidate for renomination in 1848, and Mr. Fish, as the lieutenant-governor, occupied a position that naturally attracted the attention of his party to himself. The whigs were divided into two factions; the conservatives, afterward known as national whigs, and the radical whigs, or the particular friends of Mr. Seward. The sympathies of Mr. Fish were understood to be with the former, but however decided in his convictions, he was moderate in the expression of his opinions, and by his conciliatory course and manners, had secured the good wishes of both factions. His friends in the city of New York urged his nomination for governor with much earnestness, and such was his general popularity among the whigs of the state, that it was conceded to him without opposition.

The whig state convention was held on the 14th of September, and Mr. Fish was nominated for governor, and George W. Patterson for lieutenant-governor. The democrats had now divided into two parties, each presenting its particular candidates, and the success of the whig ticket was a matter of course. The vote given for Mr. Fish was considerably less than that given for both the democratic candidates, John A. Dix, and Reuben H. Walworth, but his plurality over either of them was very large.

He took the oath as governor, on the 1st day of January, 1849. In former years, the position he occupied had abounded in embarrassments, occasioned by the numerous applications for office, all which could not be successful; and in choosing from among them, it was difficult for the most honest impartiality always to decide aright, and impossible not to incur the secret or open hostility of the disappointed. This was no longer the case. The office of governor, under the constitution of 1846, was made one of honor rather than of patronage. A fruitful source of discontent and dissatisfaction had been removed, and the occupant of the gubernatorial chair, even if possessing only moderate tact and ability, "while he might not add to his friends, could easily avoid increasing the number of his enemies."

Governor Fish, therefore, found no difficulty in pursuing that moderate and neutral course which he had marked out for himself. His only embarrassment was

produced by the repeated solicitations made by the radical, or conservative factions, in his party, to exert his influence in favor of one or the other; but he at all times firmly and steadily refused to take any part in the contests and divisions the occurrence of which he so much regretted. Accordingly, his conduct was generally approved, and his administration passed away quietly and harmoniously.

His messages indicate the possession, on the part of their author, of high literary abilities, and were much commended both for their style, and for the modest tone in which they were written. In regard to the finances of the state, he contented himself with plain and succinct statements of their condition, without giving expression to his individual opinions.

During his entire administration, the slavery question was agitated in Congress and throughout the Union. He was early committed, as was the whig party of New York, in favor of the principle of the Wilmot Proviso. In both his messages, he alluded to this subject, on each occasion expressing his decided opposition to the extension of the slave territory. His remarks on this exciting question were conservative in their tone, though indicating the firmness of his convictions, and the determination with which they would be maintained. The annexed extracts from his messages exhibit his views on this question, and will also show his style as a writer.

"The 'compromises of the constitution' as they are familiarly termed, do not of right extend to territory beyond the limits of the original thirteen states. The privileges which they concede may be granted, but cannot be claimed for any newly acquired territory. * * *

"If there be any one subject upon which the people of the state of New York approach near to unanimity of sentiment, it is in their fixed determination to resist the extension of slavery over territory now free. With them it involves a great moral principle, and over-rides all questions of temporary and political expediency. None venture to dissent; and in the mere difference of degree in which the sentence receives utterance, it has proven powerful, even to the breaking down of the strong barrier of party organization. * * *

"They are now asked to become parties to the extension of slavery over territory already free. Their answer may be read in their past history. I believe that it is almost, if not entirely, the unanimous decision of the people of this state, that under no circumstances will their assent be given to any action whereby the institution of slavery shall be introduced into any part of the territory of the United States, from which it is now excluded. * * *

"It is no new declaration in behalf of the State of New York, that she regards slavery as a moral, a social, and a political evil. * * *

"Regarding it as a domestic relation, founded upon and limited to the range of the territorial laws of the state,—dependent for its continuance and its regulation upon the legislation of the several states,—New York exercised her exclusive power over the institution within her own borders, but has carefully avoided any interference with the right of other states to regulate their internal policy in their own way; not because her repugnance to human bondage, or her attachment to the principles of universal freedom, were confined to the limits of her own jurisdiction; but because of her attachment to the Union of the states, and because of her solemn regard for the compact into which she had entered with those states.

"But while she has scrupulously abstained from all interference with the internal legislation of her sister states, her voice has been frequently raised in behalf of human freedom, and in opposition to the

extension of slavery beyond the limits of those states within which it has heretofore been sanctioned. Her expressions on this point have been frequent and emphatic, and their repetition at this time will not be unexpected. * * * *

"She did not stop to consider the magnitude or the frequency of the concessions which she was making, and the merely political advantages which she was voluntarily relinquishing; nor does she now consider them. But she does stop before consenting to be a party to what she deems a wrong, and such she considers would be the attempt to establish slavery, under the sanction, or with the assent of the General Government, within any portion of the territories of the United States whence it is now legally excluded. * * * *

"By the treaty with Mexico, the territories of New Mexico and California came to us free; and the laws of Mexico abolishing slavery, which were in force at the time of the cession, continue to be operative, and are not affected by any transfer of sovereignty over the territory. * * * *

"Congress cannot, without a transgression of its constitutional powers, establish slavery within this territory; nor can it, without the violation of the principles of justice, and an utter disregard of the wishes of the people, and of the protection which it is bound to extend over the territory to which it has acquired the title, refuse admission to the new state, or countenance or sanction in any way, the introduction of slavery within the territory. And without the sanction and the assent of Congress, these newly acquired territories are secured to freedom, and must remain as they now are, exempt from the institution of slavery.

"The emphatic voice of the Legislature of the state of New York, expressed in the resolutions passed at their last two sessions, and the nearly unanimous sentiment of the people of our state, have declared, that under no circumstances will their assent be given to the extension of slavery into these territories, from which it is now excluded.

"New York loves the union of the states. She will not contemplate the possibility of its dissolution; and sees no reason to calculate the enormity of such a calamity.

"She also loves the cause of Human Freedom ; and sees no reason to abstain from an avowal of her attachment. While, therefore, she holds fast to the one, she will not forsake the other."

Among the recommendations of Governor Fish which deserve to be noticed, are the endowment of a state agricultural school, and a school for instruction in the mechanic arts—the restoration of the office of county superintendent of common schools—the revision and alteration of the laws authorizing taxes and assessments for local improvements—the more general and equal taxation of personal property—the establishment of tribunals of conciliation in accordance with the provisions of the constitution of 1846—and the modification of the criminal code.

Since the retirement of Governor Fish from the executive chair, he has been supported by the whigs in the Legislature as their candidate for senator in Congress, to succeed Daniel S. Dickinson. He was regularly nominated in the whig caucus by a large majority, but the attempt to elect him in the Legislature proved ineffectual, in consequence of the refusal of some of the national whigs to vote for him, though he had always before been a favorite with that faction, unless resolutions were first adopted approving and endorsing the administration of Mr. Fillmore. No doubts were expressed, that he would not sustain the whig president, but some urged as an objection that he had not committed himself against Mr. Seward ; and

this, probably, was the cause of the opposition to his election.

It is difficult to describe a character, like that of Governor Fish, possessing no salient points, but presenting a happy admixture of all good qualities. It cannot be doubted that he cherishes an honorable ambition, and being still a young man, his character and career are yet to be fully developed. Extended remarks upon them now may, therefore, be considered premature; and the following extracts, from an article that appeared in a New York paper while he was governor of the state, and evidently the production of a friend and admirer, though no more than a just tribute to the man, will not inappropriately conclude this memoir:

“As a politician, he is ranked with the whigs; and, whilst he maintains the principles of his party, he zealously endeavors to promote the best welfare of the whole people. Governor Fish cannot be regarded as an ultra or despotic partisan. Indeed, all of his official acts have thus far been distinguished by moderation—by a fixed determination to extend equal benefits to all, and achieve, if possible, the greatest good of the greatest number. Since he has been in office he has evidently studied to abate the evils that are too commonly engendered by cliques and cabals; and, if he shall succeed in this, he will have restored the local government of New York and the institutions of the state to their pristine purity. * * * His personal appearance is imposing and manly: he possesses, in

an eminent degree, all the graces of a finished and highly-educated gentleman, and no man has ever flourished in our local state affairs, who has been better calculated to secure universal personal popularity."

THE END.

M J

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